of the equalization board for the control of sugar prices for the 1920 crop; to the Committee on Agriculture.

455. Also (by request), petition of delegates of the First National Labor Party Convention, protesting against the actions of Judge Anderson and others in regard to the coal strike; to the Committee on the Judiciary.

456. By Mr. BARBOUR: Petition of California Fruit Exchange, favoring establishment of two experimental vineyards at Fresno and Oakville, Calif.; to the Committee on Agriculture.

457. Also, petition of Modesto Parlor, No. 11, Native Sons of the Golden West, opposing all organizations teaching anarchy or revolution; to the Committee on the Judiciary.

458. Also, petition of Hanford Lodge, No. 1250, Benevolent and Protective Order of Elks, protesting against the spread of disloyalty and seditious sentiment; to the Committee on the Judiciary.

459. Also, petition of Fresno Lodge, No. 439, Benevolent and Protective Order of Elks, protesting against the spread of disloyalty and seditious sentiment; to the Committee on the Judiciary.

460. By Mr. BEGG: Petition of John H. Warner Post, No. 169, American Legion, Tiffin, Ohio, urging drastic action in suppressing the activities of the I. W. W.s, Bolshevists, and other cliques of radicals; to the Committee on Immigration and Naturalization.

461. By Mr. CANNON: Petition of United Brick and Clay Workers of America, Local Union 115, of Danville, Ill., favoring impeachment of Judge Anderson; to the Committee on the Judiciary.

462. By Mr. COLE: Petition of Warren Lodge, No. 295, Benevolent and Protective Order of Elks, condemning activities of I. W. W. and Bolshevists; to the Committee on the Judiciary.

463. Also, petition of Association of Ohio Technical Societies, favoring Senate bill 2232; to the Committee on Public Buildings and Grounds.

464. By Mr. CRAGO: Petition of Gold Star Memorial Association of Birmingham, Ala., urging that steps be taken to return bodies of our dead soldiers to America; to the Committee on Military Affairs.

465. By Mr. CULLEN: Petition of S. Bresler and others, of Brooklyn, N. Y., regarding bonus for soldiers; to the Committee on Military Affairs.

466. Also, petition of Union National Association of Post Office Clerks of Brooklyn, N. Y., regarding salary question for postal clerks; to the Committee on the Post Office and Post Roads.

467. By Mr. ESCH: Petition of the Silk Association of America, regarding daylight saving; to the Committee on Interstate and Foreign Commerce.

468. By Mr. FULLER of Illinois: Petition of the St. Paul Association, concerning railroad legislation; to the Committee on Interstate and Foreign Commerce.

469. Also, petition of the Franklin Motor Car Co. and E. V. Price Co., of Chicago, Ill., favoring Madden bill for 1-cent postage; to the Committee on the Post Office and Post Roads.

470. By Mr. HERNANDEZ: Petition of Raton Chamber of Commerce, favoring House bill 10650; to the Committee on the Judiciary.

471. By Mr. JOHNSTON of New York: Petition of sundry citizens of New York, favoring bonus for soldiers; to the Committee on Military Affairs.

472. By Mr. JOHNSON of Washington: Petition of sundry citizens of Nisqually, Wash., opposing Cummins and Esch bills; to the Committee on Interstate and Foreign Commerce.

473. By Mr. KELLEY of Michigan: Petition of Rev. J. Bradford Pengelly, rector, and 10 other members of St. Paul's Church, of Flint, Mich., in favor of House bill 10477, creating a corps of chaplains in the Army; to the Committee on Military Affairs.

474. By Mr. KETTNER: Petition of Santa Ana Chamber of Commerce, concerning Japanese question; to the Committee on Immigration and Naturalization.

475. By Mr. KING: Petition of sundry citizens of Illinois, favoring legislation to punish usurpation of constitutional power and rights; to the Committee on the Judiciary.

476. By Mr. LUFKIN: Petition of Central Socialist Club, of Haverhill, Mass., favoring amnesty for political prisoners; to the Committee on the Judiciary.

477. By Mr. MORIN: Petition of the local council, Friends of Irish Freedom, Pittsburgh, Pa., D. N. Murphy, president, urging immediate and favorable action on bill introduced by Mr. MASON of Illinois, virtually granting recognition to Ireland as a republic; to the Committee on Foreign Affairs.

478. By Mr. HENRY T. RAINEY: Petition of Ancient Order of Hibernians of Pittsfield, Ill., favoring appointment of a minister to Ireland; to the Committee on Foreign Affairs.

479. By Mr. RAKER: Petition of Pacific American Steamship Co., of San Francisco, Calif., favoring House bill 10532; to the Committee on the Merchant Marine and Fisheries.

480. Also, petition of Pacific American Steamship Co., of San Francisco, Calif., favoring House bill 10534; to the Committee on the Merchant Marine and Fisheries.

481. Also, petition of Private Soldiers' and Sailors' Legion, favoring House bill 10673; to the Committee on Military Affairs.

482. Also, petition of California Fruit Exchange, favoring experimental plants for grape vineyards to be established at Fresno and Oakville, Calif.; to the Committee on Agriculture.

483. By Mr. ROWAN: Petition of American Machinist, regarding disposal of machinery now held in the War Department; to the Committee on Military Affairs.

484. Also, petition of Chamber of Commerce, Washington, D. C., concerning the statutory rule of rate making; to the Committee on Interstate and Foreign Commerce.

485. Also, petition of the American Mining Congress, presenting resolutions on various subjects; to the Committee on Mines and Mining.

486. Also, petition of New York County Organization of the American Legion, favoring universal military training; to the Committee on Military Affairs.

487. By Mr. SCHALL: Petition of Theo. Peterson Post, No. 1, American Legion, favoring legislation to remove radical elements from the United States; to the Committee on Immigration and Naturalization.

488. By Mr. TAGUE: Petition of Bunker Hill Post, No. 26, American Legion, protesting against the methods adopted by the Boston Navy Yard in employing war veterans; to the Committee on Reform in the Civil Service.

SENATE.

THURSDAY, *December 18, 1919.*

(Legislative day of Tuesday, Dec. 16, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Elkins	La Follette	Ransdell
Brandegee	Frelinghuysen	McCormick	Sheppard
Calder	Gay	McLean	Sherman
Capper	Hale	McNary	Simmons
Chamberlain	Harrison	Moses	Smith, S. C.
Cummins	Johnson, S. Dak.	Myers	Trammell
Curtis	Jones, Wash.	Nelson	Watson
Dial	Kellogg	Norris	Wolcott
Dillingham	Knox	Page	

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. BANKHEAD, Mr. KIRBY, Mr. LODGE, Mr. NEW, Mr. NEWBERRY, Mr. NUGENT, Mr. OVERMAN, Mr. POINDEXTER, Mr. SMOOT, Mr. STERLING, Mr. THOMAS, Mr. WALSH of Montana, and Mr. WILLIAMS answered to their names when called.

Mr. EDGE, Mr. FRANCE, Mr. COLT, Mr. GRONNA, Mr. SUTHERLAND, Mr. FERNALD, Mr. HENDERSON, Mr. KENDRICK, Mr. POMERENE, Mr. HARRIS, and Mr. TOWNSEND entered the Chamber and answered to their names.

Mr. CURTIS. I have been requested to announce that the Senator from Ohio [Mr. HARDING] and the Senator from New Hampshire [Mr. KEYES] are detained from the Senate on official business.

Mr. GERRY. The senior Senator from Kentucky [Mr. BECKHAM], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Maryland [Mr. SMITH], the junior Senator from Kentucky [Mr. STANLEY], the Senator from Utah [Mr. KING], and the Senator from Georgia [Mr. SMITH] are absent on official business.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

AMENDMENT OF FEDERAL RESERVE ACT—CONFERENCE REPORT.

Mr. MCLEAN. The conference report on the disagreeing votes of the two Houses upon the amendments of the House to Senate bill 2472, to amend the act approved December 23, 1913, known as the Federal reserve act, which was originally presented to the House and afterwards to the Senate and adopted early in the week, contains three or four clerical errors. I ask that the pending measure be temporarily laid aside in order

that the Senate may consider a concurrent resolution authorizing the Secretary of the Senate to make the necessary corrections.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. McLEAN. I submit the following concurrent resolution and ask for its adoption.

The resolution (S. Con. Res. 22) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed to enroll the bill (S. 2472) "to amend an act approved December 23, 1913, known as the Federal reserve act," as follows:

Insert the matter proposed by House amendment No. 15, and after "herein," on page 5, line 8, of the engrossed bill, insert "Nothing contained in this section shall be construed to prohibit the Federal Reserve Board, under its power to prescribe rules and regulations, from limiting the aggregate amount of liabilities of any or all classes incurred by the corporation and outstanding at any one time."

On page 5, line 24, of the engrossed bill, strike out the word "not."

On page 5, line 25, of the engrossed bill, after "transacting," insert the word "any."

On page 5, line 25, of the engrossed bill, after "United States," strike out the comma.

On page 6, line 5, of the engrossed bill, restore the matter proposed to be stricken out by amendment No. 21 and insert the matter proposed by said amendment.

Mr. GRONNA. May I ask the Senator from Connecticut if this is new matter or is it merely to correct clerical errors?

Mr. McLEAN. Merely clerical errors.

Mr. KIRBY. I should like to ask whether the matter was left out of the enrolled bill and is matter that has been passed on by both Houses of Congress heretofore?

Mr. McLEAN. It was passed on by both Houses, and if the conference report was strictly followed it would break the sense of the bill. The resolution merely carries out the intent of the report of the conference committee. There is a comma inserted that should be erased, and if the report of the committee was strictly followed there would be a duplication of the word "not" and one proviso would be in the wrong place.

Mr. KIRBY. Would it not be better to have the bill reenrolled than to attempt to correct it in this way?

Mr. McLEAN. What is the suggestion of the Senator?

Mr. KIRBY. My idea is that it is not contemplated that legislation shall be enacted in this manner. The bill has been passed and agreed on by both Houses; and if it has been enrolled that ought to be the final determination, and it becomes a law upon the approval of the President. If it has been incorrectly enrolled, it ought to be reenrolled.

The VICE PRESIDENT. It has not been yet enrolled and the resolution is to correct certain errors. There is no doubt about the report of the conference committee being incorrect in the particulars named.

Mr. KIRBY. I have no objection to the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

SUGAR EQUALIZATION BOARD.

Mr. McNARY obtained the floor.

Mr. FERNALD. Will the Senator from Oregon yield to me for a moment?

The VICE PRESIDENT. The Chair understands that it is not on the calendar, and so the Chair is not to blame for it, but there was a unanimous-consent agreement to take up the sugar question at 11 o'clock, and nothing will interfere with that now.

Mr. HARRISON. Is Senate bill 3284 before the Senate?

The VICE PRESIDENT. The amendment of the House of Representatives to the bill (S. 3284) to provide for the national welfare by continuing the United States Sugar Equalization Board until December 31, 1920, and for other purposes, is before the Senate.

Mr. HARRISON. I move that the Senate concur in the amendment of the House of Representatives.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi to concur in the amendment of the House of Representatives.

Mr. RANSDELL. Mr. President, I wish to have something to say before the Senate votes on that measure.

Mr. President and Members of the Senate, I hope that the Senate will very carefully consider this matter before it follows the unusual proceeding of accepting the House bill on a very important measure like this. The Senator from Mississippi [Mr. HARRISON] yesterday in debating this question stated that the House had passed the bill in 48 hours. I believe they did pass it in 48 hours. Far be it from me to criticize anything done by the House——

Mr. THOMAS. Mr. President, I suggest that the Senator from Louisiana suspend until the private business of individual Senators is transacted.

The VICE PRESIDENT. Is that a motion?

Mr. THOMAS. I will make it as a motion if necessary.

The VICE PRESIDENT rapped with his gavel.

Mr. RANSDELL. I thank the Senator from Colorado. I should like to have Senators listen to me, as this matter is quite an important one. It will violate all the precedents of our country if we pass this House bill, and I should at least like to have Senators understand what they are doing should they vote to adopt the amendment of the House. I can not believe the Senate will ever do such a thing.

I was proceeding to say that the House had acted upon this very important measure in two days' time—in 48 hours. The bill was before the Senate Committee on Agriculture and Forestry for quite a while. We had rather extended hearings, which embrace two big pamphlets which I hold in my hand [exhibiting], one containing 164 pages and the other containing 81 pages. The Senate Committee on Agriculture and Forestry debated the question very thoroughly for a number of days. It then reported a bill to the Senate authorizing the Sugar Equalization Board to be extended for one year and to purchase whatever sugar may be necessary to give to the American people all of that commodity they need.

The bill came up before the Senate several days ago; it was slightly modified on the motion of the Senator from Tennessee [Mr. MCKELLAR], so as to abolish the zone system now in vogue under the administration of the Sugar Equalization Board, and was passed. The bill was sent to the House, which struck out all after the enacting clause and included in the terms of the bill which they present to us an extension for one year of the license provision of the Lever Food Control Act.

Before entering into a general discussion of the bill I want to read to the Senate exactly what the provision of the Lever bill is. I wish also to compare the Senate provision in regard to the license clause of the Lever bill with the House provision. This is the provision in the Senate bill, which we passed:

Provided, That after the passage of this act neither the President nor the corporation shall have or exercise, either directly or indirectly, with respect to raw or refined sugar, sirups, or molasses, any of the powers conferred upon the President by section 5 of an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917.

I call the attention of the Senate to the fact that this clause specifically provides that none of the powers heretofore exercised under the food-control bill, to wit, the powers of regulation, of license and control, shall be exercised by the Sugar Equalization Board. We particularly placed our disapproval upon the further exercise of that war statute, a law which could only be justified by the needs of our country during the period of the world's greatest war, a war which ceased more than 13 months ago. Now, what does the House do in its bill? Let me read its provisions on that subject:

Sections 5 and 10 of the act entitled "An act to further provide for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, as far as the same relates to raw or refined sugar, sirups, or molasses, are hereby continued in full force and effect until December 31, 1920, notwithstanding the provisions of section 24 of said act.

Think of it, Senators! The provisions of this very drastic and unusual measure, absolutely unjustifiable except by the exigencies of war, are to be continued for a period of fully two years and two months after the close of the war.

Do we apply this drastic measure to all food products? Is it a general bill, fair and equal in terms to all? No. It is confined to sugar, sirups, and molasses. If there ever was attempted in this country a piece of indefensible class legislation, this bill in the form presented by the House is such an attempt.

The very principles on which our Government was founded are fair play and equal treatment to all men and to every kind and class of business. What right have we to single out the sugar industry, the sirup industry, the molasses industry, and inflict this unwarranted punishment on them by placing their business in peace times, long after the close of the war, under a war board which will have authority of espionage, the right to enter the private premises of anyone dealing in sugar, sirups, or molasses, and the power to license or to refuse a license to those engaged in any of these businesses? It is very easy for us to refuse to be disturbed when the other fellow's ox is being gored, but when it comes home to us and our ox is being gored it is not so simple.

I wish to call the attention of the Senate to the fact that until very recently sugar has been certainly the cheapest food commodity on the market. It has been a great deal cheaper in proportion than butter, eggs, bacon, lard, beef, meal, and flour, or any of the other usual food commodities. It is not as high now as many other foodstuffs. Butter and eggs are more necessary

to maintain human life than sugar, and they are very much higher at present than sugar.

If we are to single out sugar and place it under Government control, regulation, and license, why do we not single out butter and eggs, for instance? Why do we not continue for another season the regulation and control of wheat, which our friends from the wheat-growing section have considered—and I believe justly so—disastrous to their business?

Why do we not provide for Government regulation and control of the shoe industry? There is the greatest complaint that people are required to pay exorbitant prices for their shoes. I heard a young person no longer ago than this morning say, in speaking of Christmas, "Oh, this is going to be a sad Christmas for the poor, as everything is so high that a poor person can not even look at anything. They are not able to buy it, and they can not even look at it." Everything is abnormally high; so, if you are going to license sugar, if you are going to control the price of sugar because it seems to you to be a little high, why not control everything? Why not at one fell swoop put the Government into the business of buying, furnishing, and supplying food to the people of the country? Why not put it into the business of selling all the clothing the people need, of selling all the shoes that they need? Why not have a great, broad power, a "big father" here in Washington, doing all the business which the people generally have done heretofore for themselves?

Of course, such an idea as that is so ridiculous that it would be resented by any reasonable person; but, let me ask, Is there any reason why you should single out one commodity and not extend the principle to others? Is there any overweening necessity for such a thing?

I am perfectly willing to admit that in times of great public necessity nations are sometimes forced to let the law slumber in the face of the national needs, but no such situation exists now. There is plenty of sugar on the American Continent—I mean continental United States and our insular possessions and the island of Cuba. We could get along, if necessary, with a great deal less sugar than we are consuming to-day. Sugar is not generally considered to be a necessity of life but rather a luxury. I have always thought myself that it was a very healthful article of food, and certainly a very delicious article of food; but I believe that the human race could exist indefinitely if there were not a pound of sugar in the world. We could not exist indefinitely if there were not flour and meal and meat. They are necessities, but sugar is not.

However, if for the sake of argument we grant that sugar is a necessity to some extent, let us see why we should violate all rule and precedent, and pass this law in the form provided by the House, in order to secure that necessity.

There are in the United States a great many people engaged in the production of beet sugar. From the best information available the present Cuban crop is 4,500,000 tons. Cuba, of course, being so close to us, and in a way under our tutelage, we feel that we have a right to expect that if there be any favoritism it will be shown to us. It surely is an open market where all people can go and buy sugar, and there are 4,500,000 tons in the growing crop of Cuba, ready to be consumed by the world next year. It is estimated that the local consumption in Cuba amounts to 150,000 tons, so this will leave for export 4,350,000 tons.

Mr. Zabriskie, president of the United States Sugar Equalization Board, stated recently in one of the public hearings before the Senate Committee on Agriculture and Forestry that about one-fourth of this Cuban crop had been sold, partly to European countries and in part to American refiners. Deducting this one-fourth—1,087,500 tons—we have in Cuba still remaining for export 3,262,500 tons. But do not overlook the fact that of the 1,087,500 tons already sold a portion thereof, according to Mr. Zabriskie, was bought by the American refiners, and is doubtless in this country ready to be sold to American consumers.

The Government estimates of the domestic sugar crop of the United States and its possessions are as follows, in short tons:

Beet crop of the United States, 953,000 tons.

Louisiana cane crop, 138,000 tons.

I wish to remind the Senate at this point that the Louisiana crop is usually upward of 300,000 tons; but, owing to the most unfavorable season in the history of the industry for a great many years, the crop is reduced more than one-half. It rained incessantly in the cane-sugar section of Louisiana and the people there have made a disastrously short crop. I understand that since this estimate was made the continued rain and the continued warm weather have caused the cane further to deteriorate, have kept it growing, have kept it so green that very little saccharine was formed in it, and the crop is really very much less than 138,000 tons. For the sake of the argument, however, I am treating it as being 138,000 tons.

The Hawaiian cane crop is 600,000 tons.

The Porto Rican cane crop is 300,000 tons.

This makes a total of 1,991,000 tons of domestic sugar, but takes no account of the Philippine crop, which is also domestic. I do not estimate the Philippine cane crop for the reason that the cost of transportation is so great that I am willing to assume that most, if not all, of the Philippine sugar will be sold abroad.

That gives us, then, available in Cuba 3,262,500 tons, and the domestic crop 1,991,000 tons. Reducing it to long tons of 2,240 pounds each, it leaves for distribution in this country a total of 5,040,200 tons.

Mr. POMERENE. Mr. President, will the Senator yield for a question?

Mr. RANSDELL. I shall be very glad to yield to the Senator.

Mr. POMERENE. I heard the statement from some authentic source the other day, as I thought—of course, it is only, I assume, an estimate—that the Louisiana crop this year would amount to 100,000 tons. The Senator has just made the statement that it was 138,000 tons. I assume that is the Senator's best judgment about it?

Mr. RANSDELL. I will say to the Senator that I was giving the reports of the Government. I said that my best judgment was that it was less than that.

Mr. POMERENE. Oh, I did not understand that.

Mr. RANSDELL. These are the Government figures that I am quoting.

Mr. POMERENE. Very well; that answers my question. Now, then, can the Senator tell us what portion of this crop has been marketed?

Mr. RANSDELL. I judge, from the best information I have been able to obtain, that something like two-thirds of the crop has been marketed; but I am going to ask my colleague, who is more familiar with that than I am, to say what percentage of the Louisiana cane crop he thinks has been marketed up to date. Will my colleague kindly answer that question?

Mr. GAY. Mr. President, I think perhaps not that much sugar has been marketed, owing to the fact that it has been difficult to get cars to move the sugar. I think it would be fair to say that two-thirds has been manufactured, but I doubt if two-thirds has reached the market.

Mr. POMERENE. What would be the Senator's judgment, if I may ask, as to the amount which has in fact been either sold or marketed by the manufacturers?

Mr. GAY. I have no accurate figures here. I suppose about half.

Mr. POMERENE. Then may I ask another question? Can either of the Senators tell me at what figure this has been sold?

Mr. RANSDELL. I understood that the producers were selling that sugar in the raw state at 17 cents a pound wholesale and the refined sugar at 18 cents. I would like to say to the Senator in this connection that early in the season, I think as much as a couple of months ago, the two Senators from Louisiana and Congressman MARTIN, who represents the big sugar district of Louisiana, had several conferences with representatives of the Department of Justice. We had understood that the department was going to prosecute any persons who profiteered in food products of any kind. Sugar being a food product, it was naturally supposed that our people would be prosecuted if they engaged in profiteering. We pride ourselves on being a very law-abiding, patriotic people in that State, and we desired to avoid all trouble; we wanted to cooperate, as well as we could, with the administration of justice. So we called on the Attorney General and asked him if he would not have the Federal district attorney in New Orleans, Hon. Harry Mooney, ascertain, in any way that he could, by calling in witnesses, by conferring with sugar growers, by asking the advice of disinterested people who are familiar with the product, at what price the Louisiana sugar producer could sell his sugar and yet not subject himself to the charge of profiteering. That hearing was held by Federal District Attorney Mooney, and he came to the conclusion, after a thorough investigation, that if the people of Louisiana sold at an average of 17 cents for the raw sugar, or 18 cents for the refined sugar to the wholesalers, it would not be profiteering. So the people down there adopted that as their general price, and, so far as I am informed, have marketed the crop that has been marketed so far at those prices.

Mr. POMERENE. One broker in the city of Columbus some time ago issued a statement to the trade to the effect that he had at that time bought 15,000 barrels of Louisiana sugar at, I think, 17½ cents or 18 cents, but I am not clear about that. It was either the one figure or the other.

Mr. RANSDELL. He naturally bought the refined sugar, I will say to the Senator, and that would have been 18 cents.

Mr. POMERENE. If I may pursue my inquiry a little further, the Senator has indicated that in his judgment the figures 138,000 were in excess of the actual crop in Louisiana.

Mr. RANSDELL. I think so.

Mr. POMERENE. What is the Senator's judgment as to the actual crop?

Mr. RANSDELL. That would be very much of a guess. I was influenced a good deal in arriving at that opinion by a statement made by Congressman MARTIN, who is a conservative man and very well posted. He told me that for a while they thought they were going to make upward of 40 per cent, but owing to the continued rains and the untoward season, many of them would not make more than 25 per cent of their crop, and it would be very much less than 138,000 tons. But he did not say how much it would be, and I could not even guess, but considerably less than 138,000 tons.

Mr. POMERENE. That is the Senator's judgment?

Mr. RANSDELL. Yes, sir.

Mr. POMERENE. I can understand that neither Representative MARTIN nor the Senator could get at the exact figures.

Mr. RANSDELL. No, sir; we could not get the exact figures.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Oregon?

Mr. RANSDELL. I yield to the Senator.

Mr. McNARY. I simply want to supplement the statement of the Senator from Louisiana [Mr. RANSDELL] by remarking that all those who appeared before the Committee on Agriculture of the Senate agreed that the crop this year, the 1919-20 crop, I will call it, in Louisiana, will be about 100,000 tons.

Mr. SMOOT. That is, for the year 1919?

Mr. McNARY. For 1919.

Mr. GAY. Mr. President——

Mr. RANSDELL. I yield to my colleague.

Mr. GAY. The statement of the Senator from Oregon is absolutely correct; but I want to say that since the harvesting season has commenced I think they have found that they overestimated the crop.

Mr. RANSDELL. Will the Senator please state what were the reasons for the overestimate?

Mr. GAY. The tonnage was lighter per acre than was anticipated and, due to the prolonged wet season, the sucrose in the cane was much less than normal. I think that accounts for the overestimate.

Mr. RANSDELL. I should like to ask the Senator if normally we do not have a dry fall, with usually fairly early cool spells, which cause the cane to ripen and develop the sucrose, and if there was not an absence of both dryness and cool weather this fall.

Mr. GAY. It has rained in Louisiana since the beginning of October, 1918, almost constantly. There have been more than 100 inches of rainfall in some sections of the State, where the average rainfall should be between 50 and 60 inches. The fall of 1919 was very hot, as it was throughout the entire country, and the great amount of rain kept crops of all kinds in a growing condition, so that they did not have an opportunity to mature. The harvest season commenced toward the latter part of October, and the yield has been most disappointing, both in tonnage and in sucrose in the cane.

Mr. RANSDELL. I thank the Senator for that statement.

The VICE PRESIDENT. The Chair recognizes the propriety of a presiding officer keeping silent, but now and then the presiding officer has to vote on a bill. I want to make an inquiry. Have we a Department of Justice that consults with people in the United States and determines the price at which they can sell goods, and promises immunity if they do not sell at higher prices?

Mr. RANSDELL. I do not know that we have, in answer to the question of the presiding officer; but I must say that I can not see that there was any impropriety whatever in the Department of Justice, when requested by representatives of this great Louisiana industry, having that informal inquiry conducted.

Mr. SMOOT. Mr. President——

Mr. RANSDELL. Will the Senator wait just a moment? The Department of Justice, I will add, did not voluntarily do that. It did not interfere, or attempt to interfere; but the Department of Justice is charged with the duty of prosecuting all profiteers.

Owing to the remarkable conditions in Louisiana, it was extremely difficult for our people to say what would constitute profiteering in that State. I do not think the Department of Justice wished to attempt to prosecute any people unless they had been acually guilty of profiteering.

The Vice President will readily understand that when a normal crop is made, you might sell that sugar at around 10 cents, as I understand the beet sugar people were very willing to do, and come out with a reasonable profit; you might sell the Porto Rican sugar around 10 cents and come out with a reasonable profit, because they have a normal crop; the Hawaiian sugar might be sold around 10 cents and come out with a fair profit, because the crop is normal. But with the vexatious conditions I have attempted to describe, and which my colleague has corroborated, of long-continued rains, it made a difference. I know in my part of Louisiana it rained for more than 12 months. It has been raining nearly all the time since the 1st of October, 1918, and it is raining yet; and with unusually warm weather, keeping the cane growing all the time. Such adverse conditions were present that we did not know what would be profiteering.

So in our distress and in our desire not to break the law, we called in this friendly manner upon the Department of Justice, and that action was taken. There was no price fixing, I may say, but it was simply a statement that if the people there did not sell their sugar at a price higher than 17 cents, it would not be considered profiteering. I yield now to the Senator from Utah.

Mr. SMOOT. In further answer to the question propounded by the Vice President, I wish to say that the Lever bill, as amended, and now in force, authorizes the Attorney General to bring suit against profiteers in food products and, of course, that includes sugar.

I wish to say that the Attorney General issued a statement to every beet sugar manufacturer in the United States, and called their attention to the fact that if they profiteered on sugar, the Department of Justice would proceed against them as profiteers in the selling of sugar. No beet sugar producer thought of profiteering; no beet sugar producer wants to profiteer; but the power is lodged with the Department of Justice to prosecute any profiteer selling food products in the United States. If I were a Senator from a State where the people were being compelled to pay 27 cents a pound for sugar, I would see that some action was taken against the profiteers, as there is no justification for selling sugar at that price, even though they paid 17 cents a pound for the Louisiana sugar.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. RANSDELL. I yield to the Senator from Mississippi.

Mr. HARRISON. I merely desire to say, in answer to the Senator from Utah, that if he were a Senator in a State where the people were being profiteered upon to the extent of 27 cents a pound for sugar, he would see that they were prosecuted. I know that the Senator would be very alert; he would probably serve his people better than any other Senator would. But I want to say that in my State I have taken up with the Department of Justice every instance that came to my notice. I wish I knew more to do to have this legislation passed. I have done my part in the matter, and I wish they could be prosecuted and will be prosecuted.

Mr. SMOOT. I want to say to the Senator that I had no idea of casting any reflection upon the Senator from Mississippi.

Mr. HARRISON. That is about the third time the Senator from Utah has made that statement. The Senator from Mississippi has stated several times that he took it up with the Department of Justice. I could not do any more than that or I would have done it.

Mr. SMOOT. That is exactly what the Senator from Utah would have done, too, Mr. President.

Mr. POINDEXTER. Mr. President, will the Senator from Mississippi allow me to ask him a question?

Mr. HARRISON. If the Senator from Louisiana will yield.

Mr. RANSDELL. I yield to the Senator from Washington.

Mr. POINDEXTER. Did the Senator from Mississippi obtain any explanation from the Department of Justice as to why they did not proceed against these profiteers?

Mr. HARRISON. I will say that the Department of Justice say that they are making an investigation of it and expect to proceed against these people, and to convict them if possible.

Mr. POINDEXTER. But they have taken no action?

Mr. HARRISON. The grand jury probably has not met since that time. I think the Department of Justice is really trying to do what it can. I have faith in the Department of Justice in the matter.

Mr. GAY. Mr. President——

Mr. POINDEXTER. Just one moment.

Mr. RANSDELL. I yield further to the Senator from Washington.

Mr. POINDEXTER. The Senator from Mississippi, I infer from what he says, admits that he has been able so far to obtain no relief from the Department of Justice. I should like to ask the Senator from Mississippi whether he has applied to the Sugar Equalization Board?

Mr. HARRISON. The Sugar Equalization Board has no authority to prosecute people. They are not extending the license system at this time. They are not functioning at this time.

Mr. POINDEXTER. Has the Sugar Equalization Board the same authority that is proposed to be conferred upon them under this act?

Mr. HARRISON. They could exercise the authority until the Lever Act expired, which would be at the termination of the war or the signing of the treaty of peace.

Mr. POINDEXTER. In other words, the Sugar Equalization Board, during all the time when these abuses existed, had the opportunity and the authority, if they chose to exercise it, to proceed to remedy the situation in the way that the Senator from Mississippi hopes will be followed under the act now pending; but yet they have not done it? I am asking for information.

Mr. HARRISON. The Senator is very much mistaken. The Sugar Equalization Board, as long as they functioned, maintained a price to the consumer of 9 cents a pound. Not only that, but they turned into the Federal Treasury $38,000,000. Congress did not act and pass legislation extending the food-control act through next year, which they all agreed would be necessary in order to purchase the Cuban crop of sugar, so that if they did purchase the Cuban crop of sugar they could regulate and control that crop. When they failed to get that legislation and the board apparently was about to cease to function, the prices began to soar and the people were compelled to pay the exorbitant prices that have been paid recently.

Mr. POINDEXTER. My understanding is, and I will drop the matter with this remark, that whether they exercised the power or not they had the power, and the failure to exercise it was upon the responsibility of the Sugar Equalization Board.

Mr. HARRISON. The failure since the 3d day of October has not been with the Sugar Equalization Board or anybody else except the American Congress.

Mr. SMOOT. I take it for granted that the Department of Justice keeps informed as to the amount of sugar in the world and the trend of prices of sugar in the markets of the world. If the Senator will permit me——

Mr. RANSDELL. I yield to the Senator from Utah.

Mr. SMOOT. I have just telephoned to New York to find out the prices on Cuban sugar to-day for December delivery, January delivery, and February to June of next year delivery. This is the response that I get:

Cuban sugar for December delivery is being purchased in New York to-day at 10½ cents with a few minor sales reaching as high as 12 cents. For January delivery—that is, next month—the sales are being made at 9 to 10 cents. For February to June delivery, purchases are being made at 8⅞ to 8¾ cents.

Mr. POMERENE. Mr. President——

Mr. RANSDELL. I yield to the Senator from Ohio.

Mr. POMERENE. I ask the Senator, is that raw sugar?

Mr. SMOOT. That is Cuban raw sugar delivered at New York.

Mr. POMERENE. From whom do the quotations come?

Mr. SMOOT. I got them from the American Sugar Refining Co., and they are also confirmed within one-eighth of a cent by the Willett & Gray quotations given on December 11, as I remember.

Mr. POMERENE. Did the Senator have any communication on the subject, may I inquire, with the United States Sugar Equalization Board?

Mr. SMOOT. No; I have not had; but I am quite sure that the junior Senator from Louisiana [Mr. GAY] has before him the issue of the Willett & Gray magazine for December 11 showing the prices, and they are almost identical with the prices that are being paid for sugar in New York to-day.

Mr. RANSDELL. I ask the Senator if Willett & Gray are not considered about the highest authority on sugar in the United States?

Mr. SMOOT. They are the highest authority on sugar in the world, I will say to the Senator.

Mr. McNARY. Mr. President——

Mr. RANSDELL. I yield to the Senator from Oregon.

Mr. McNARY. I should like to know if the prices named by the Senator from Utah are for refined granulated sugar?

Mr. SMOOT. They are for Cuban sugar.

Mr. McNARY. That is not an answer to my question. Are they for refined granulated sugar?

Mr. SMOOT. I will ask the junior Senator from Louisiana [Mr. GAY] to read the Willett & Gray announcement of December 11 and then the Senator will get just exactly what Willett & Gray say.

Mr. RANSDELL. I yield to the junior Senator from Louisiana for that purpose.

Mr. GAY. The Weekly Statistical Sugar Trade Journal, published by Willett & Gray, of December 11, 1919, contains an article headed "Raws," reading as follows:

[From Weekly Statistical Sugar Trade Journal, December 11, 1919.]

Raws: Since our last report we have had quite an exciting market. Trade manufacturers who have recently been purchasing raw sugars for shipment during next year, and having them refined on toll, made urgent efforts during the week to obtain further supplies, particularly for December and early January shipment. Buyers appeared willing to pay as high as 15 cents for prompt-arrival sugars, but, as far as we can learn, there were none obtainable. Cubas for shipment during December at specified dates sold at 12 cents, and very early January shipment at 11 cents, and first-half January shipment at 10 cents, and all-January at 9⅞ cents. All the above quotations f. o. b. Cuba. For the position of February–May the demand has not been so urgent, so that the advance established on these latter shipments has not been so large, as sales were made at 8⅞ cents f. o. b. Cuba, against quotations of 8¼ cents f. o. b. Cuba prevailing last week. As we go to press the market is easier, as the demand has materially slackened. The principal reason for the decreased demand has been the disposition on the part of our refiners to decline any further business on the toll basis. With the inability of manufacturers to have their raws made into refined, naturally their interest in the raw situation decreased.

Quotations at this writing: December, 10½ to 12 cents; January, 9¾ to 10 cents; February–June, 8⅞ to 8¾ cents; all f. o. b. Cuba.

Mr. HARRISON and Mr. McNARY addressed the Chair.

Mr. RANSDELL. I yield to the Senator from Oregon, who has charge of the bill.

Mr. McNARY. It is fair to say in answer to the Senator from Utah [Mr. SMOOT] that this does not refer to refined granulated sugar, which sold for 9 cents last year, but to the raw Cuban sugar which sold for 5½ cents per pound last year. The prices quoted are twice as high as those which the Government paid last year for raw sugar; and it is conformable to the statement I made a few days ago that I thought the whole crop could be had at 10½ cents a pound or less.

I desire to ask the Senator from Utah how extensive are these contracts and what part of the Cuban crop is involved?

Mr. SMOOT. The amount of the purchases is just what is being purchased in New York for the use of the refiners. I took for granted that everybody knew that Cuban sugar delivered at New York always came as raw sugar, and there is $1.54 per hundred pounds allowed between raw Cuban sugar and granulated sugar.

Mr. RANSDELL. May I interpose the remark that that was the refining price last year? I do not know what it is now. It may be higher.

Mr. SMOOT. I will say to the Senator, speaking of sugar produced for the year 1918, that beet-sugar manufacturers paid only $7.50 a ton for beets. For this present crop they paid $10 a ton, and they paid just what Mr. Hoover told them to pay, and they sold their sugar last year at exactly what Mr. Hoover told them to sell for. The beet-sugar manufacturers this year have been willing to sell their sugar at whatever price the Sugar Equalization Board may fix. I told the committee having this matter in charge, speaking for the beet-sugar people of the United States, that the producers were only too glad to sell the sugar at whatever price might be fixed by the Sugar Equalization Board; and they taking that position, we do not want Congress now to force them under a license system.

I will say also that I know they are perfectly willing now that sugar shall be sold to the consumer at a reasonable price. Mind you, the price that I speak of that they are paying now for beet sugar means the price of the sugar refined and delivered at the Atlantic seaboard.

Mr. POMERENE. Mr. President——

Mr. RANSDELL. I yield to the Senator from Ohio.

Mr. POMERENE. I should like to ask two or three questions of the Senator, if I may.

We have just been told that the price of raw sugar in December is 10½ cents, with a few sales at 12 cents. In January the price is 9 to 10 cents, and in February and subsequent months it is still lower.

Of course, as time goes on, from month to month a large part of the sugar will be consumed, and necessarily there will be less sugar available in January or February than there is at the present time. I wish to ask whether the high prices for December sugar do not indicate to the Senator that there is some speculation now which is affecting the price of the sugar?

Mr. RANSDELL. There possibly is. I could not say about that.

Mr. SMOOT. I will say to the Senator from Ohio that it indicates that the refiners of sugar and also those who are interested in sugar see a crop sufficient to meet the demands and more than the demands if the present high prices prevail. Therefore the price of sugar for future delivery is declining; and if the estimates are right as given from several sources, there is ample sugar to supply the world.

Mr. POMERENE. May I ask another question?

Mr. GAY. Mr. President——

Mr. RANSDELL. I will yield later to the Senator from Louisiana, if he will pardon me.

Mr. GAY. I wish to ask a question of the Senator from Ohio.

Mr. RANSDELL. I yield for that purpose.

Mr. GAY. The price at this time shows plainly that the Cubans, in view of the proposed legislation, which I feel confident they are watching very carefully, have offered sugar at the advanced price at which they expect the United States to purchase the entire Cuban crop through the Sugar Equalization Board. If this bill should be enacted into law and become effective at this time we would purchase at advanced prices instead of letting the whole trade go through the ordinary channels. Why project this month's famine price over the entire year?

It is indicated plainly that when the agitation in favor of this bill had ceased the Cubans were very fearful that the Sugar Equalization Board would go out of existence and that they could not sell their crop at the highest price; they were afraid they were going to have to return to the system of buying and selling according to the system of supply and demand.

The refiners have never been talking about 25 or 30 cent sugar. They have not lost their heads in this excitement. They are a canny lot. This is nothing but playing into the hands of the Cuban producers, who would be glad to see the United States buy a year's supply of sugar at the very highest price. When the 1st of February comes it is estimated there will be a great deal more sugar in this country than we can consume in nine months' time. That is the situation at present.

Mr. POMERENE. Mr. President——

Mr. RANSDELL. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, I desire to get at the exact truth, if I can; and I want to give to the Senator some figures, if he will be kind enough to follow me.

Mr. RANSDELL. I shall be delighted to do so.

Mr. POMERENE. In Ohio we have, in round numbers, a population of 5,000,000. The annual per capita consumption of sugar being 92 pounds, the total consumption in Ohio is 460,000,000 pounds. A variation in price of 1 cent a pound for the entire consumption in Ohio would mean to the people of Ohio an expenditure of $4,600,000; a variation of 5 cents would mean $23,000,000. The total cost of the entire consumption for one year at 10½ cents, being the price which was fixed for beet sugar, would be $48,300,000. These figures will indicate to the Senator that this is a very serious problem, so far as the people of the State which I have the honor in part to represent are concerned.

Mr. RANSDELL. I desire to ask the Senator at that point if he is figuring the total price for beet sugar at 10½ cents or the advance on what the price ought to be?

Mr. POMERENE. No; I am figuring it merely at 10½ cents. I want to get some figures which we can use as a basis of calculation.

I have said that an advance of 1 cent a pound to the people of my State will mean $4,600,000.

Mr. RANSDELL. May I ask the Senator what he means by "an advance"—an advance of 1 cent a pound on what?

Mr. POMERENE. I do not mean it that way. I mean if we could get it at an increase of 1 cent a pound it would mean $4,600,000, while if it is advanced 2 cents a pound it would mean another $4,600,000.

Mr. RANSDELL. I thought the Senator was establishing a unit. I did not understand him.

Mr. POMERENE. No; I am not. I want to call attention, now, to the situation so far as it affects Louisiana, if I may.

The Senators from Louisiana have given it as their best judgment—and I have put these figures down in pencil as the discussion has been going on—that the total crop of sugar in Louisiana is 100,000 tons, or thereabouts, for this year. Assume that those are the figures.

It is said that up to date 50,000 tons of the sugar have been sold. That would leave only 50,000 tons in prospect from the manufacturers for the general market. At 1 cent a pound that would mean just $1,000,000 on the 50,000 tons, and at 17½ cents a pound it would mean $17,500,000, assuming that it was all to be sold at that price. There would be a difference of $7,000,000 between the 17½-cent price and the 10½-cent price.

I want to apply this to Louisiana. According to the last census the great State of Louisiana had 1,656,388 people; and, with a per capita consumption of sugar of 92 pounds, the total Louisiana consumption would amount to 162,387,696 pounds, or 76,193 tons. If the sugar manufacturers of Louisiana have only 50,000 tons on hand, it indicates that they have on hand only two-thirds enough sugar for the consumption of their own people.

I recognize the fact that this means a good deal to the manufacturers; but does it not occur to the Senators from Louisiana, when the public authorities indicate that beet sugar can be manufactured at 10½ cents a pound, that, if we are to make a price of 17½ cents a pound—and I regret exceedingly that the people of Louisiana have not had a good crop—every time the price is advanced 1 cent above 10½ cents to the people of my State it means $4,600,000; that 1 cent a pound advance means to the people of the entire country $101,200,000, and a 5-cent increase a pound means an advance of $506,000,000? Does it not occur to the Senator from Louisiana that under those circumstances there either ought to be some concession made or something done so that we can relieve the good people of Louisiana, the producers of sugar there, and all the remainder of the people in Louisiana from paying this high price in order to compensate somebody who happens to have a loss? Ought the entire people of 48 States pay tribute in this vast amount because of such loss?

Those are questions which address themselves to my mind as I think about the subject; and their gravity, it seems to me, is momentous. I want to help; but, while there is a duty which we owe to the good sugar planters down in Louisiana, is there not also a duty that they and the sugar producers generally owe to the public at large?

I am obliged to the Senator from Louisiana for permitting me thus to interrupt him. I should be very glad to have the Senator suggest what the United States Congress ought to do under these circumstances that will be fair and equitable and just to all of the people of the United States; for we are interested in all the people of the United States, no matter whether they are in Louisiana or Oregon or Ohio; and I am sure the Senator from Louisiana looks at it in just that light.

Mr. HARRISON. Mr. President, will the Senator from Louisiana yield to me for a moment?

Mr. RANSDELL. No; I can not yield now. I desire to answer the question of the Senator from Ohio first.

Mr. HARRISON. I merely wish to submit a request for unanimous consent.

Mr. RANSDELL. I would rather answer the Senator from Ohio briefly, and then I will give the Senator from Mississippi an opportunity.

Mr. HARRISON. There are only seven minutes remaining to consider this bill under the agreement, and I had hoped that we might agree to vote at a certain time. Would the Senator object to that?

Mr. RANSDELL. I would certainly object to voting at any time. I have not nearly finished my discussion of the question. I have yielded to many Senators, and I should like to go on with the discussion and finish it.

Mr. KIRBY. Mr. President——

Mr. RANSDELL. I will have to decline to yield until I answer the question of the Senator from Ohio.

Mr. KIRBY. I do not wish to ask the Senator a question, but I should like to make a request of the Senate for unanimous consent.

Mr. RANSDELL. I would yield for that purpose.

Mr. KIRBY. It is evident the Senator from Louisiana expects to talk out the time which has been granted for the consideration of the sugar bill and that no action will be taken upon it. I regard this as a more important matter to the people of the United States than the railroad bill, because of the urgency of the situation, and I ask unanimous consent that the time shall be extended one hour further for the consideration of the bill now under discussion.

Mr. RANSDELL. I shall have to object to that, Mr. President.

Now I wish to answer, as well as I can, the very fair, carefully worded question of the Senator from Ohio. He has evidently given great thought to the subject and has stated the question in plain, good language. I wish to say first that the people of Louisiana do not ask that any favor at all be shown to them. They simply ask that the ordinary laws of supply and demand be applied to them in the disposition of one of the great crops of their State.

I think a great deal of the trouble in this matter has grown out of the continuation of Government interference in private matters set up by us under the machinery known as the Sugar Equalization Board. That board has established zones in this country under which the people in the southern portion of the United States are in one zone, those in the North Atlantic section in another zone, and those of the West, in the beet-sugar region, in another. Three zones were established. The Louisiana people did not want the people of the Southern States, and especially of the State of Mississippi, placed in any zone with them, so that they would have to buy from us. We were entirely willing, and are willing now, that all zones be abolished, so that the remnant of the Cuban crop still remaining in the

hands of the Sugar Equalization Board, and which has been sold to the wholesalers at 8.82 cents a pound—that was the price at which we sold the sugar of last year, the beet-sugar crop, the Louisiana crop, and the Cuban crop, 8.82 cents a pound—may be sold anywhere in the country.

Mr. POMERENE. That was done by the Sugar Equalization Board?

Mr. RANSDELL. The Sugar Equalization Board sold what they bought from Cuba at that price, and by agreement with the beet-sugar growers and the Louisiana sugar producers they sold their crops at the same price. The Sugar Equalization Board did not have power to enforce such a price, but we were all patriotic and we said, "We can live at that price for the crop of 1918 and we will sell at that price."

Of course, the Cuban crop has not yet been disposed of; they have some of that crop on hand, and they are continuing to sell it along the Atlantic seaboard, in that particular zone, at that price. The beet crop came in some weeks ago, but there was no arrangement as to the beet crop this year, so they began to sell at 10½ cents a pound. There was no arrangement as to the Louisiana crop of this year, and it was such a complete and thorough failure that we had to get 17 cents, and even then many of our people are losing money. We began to sell at 17 cents, but we did not ask anybody to pay that price unless he desired so to do, I will state to the Senator.

Mr. KIRBY. Mr. President——

Mr. RANSDELL. I decline to yield for the moment. I must try to complete my answer, and then I will gladly yield to the Senator from Arkansas. The sugar producers of Louisiana could have sold the small crop they had to the candy manufacturers and to the soft-drink manufacturers at more than 17 cents, provided they had been allowed to go around the country and pick out such dealers wherever they were found; but most of our people—I do not say all of them, but most of them—tried to comply with the zone system established by the Sugar Equalization Board, and in that zone they sold their sugar at 17 cents.

I grant that it is pretty hard for the people of the United States to have to pay a big price for all their sugar in order to help out the Louisiana producers, but I deny that that is being done. I deny that one-fortieth of the whole can control the situation. I should like to say to the Senator from Ohio that, in round numbers, the United States uses 4,000,000 tons of sugar a year. That quantity will be available this year, for there is plenty of it in sight. Louisiana is making about 100,000 tons, or one-fortieth of the amount consumed. It is perfectly ridiculous to suppose that one-fortieth of the production can control the price. If we do away with the Sugar Equalization Board, do away with the zones, and let the people go freely throughout the country and buy sugar from the beet producers, from the Cubans, from the small amount that we have in Louisiana, there will not be any very great increase in the price—generally, I mean—at least, I do not think there should be. I think that public opinion against profiteering and the laws which I understand we have against profiteering would avail, and those who sold beet sugar or Hawaiian sugar or Cuban sugar at the exorbitant prices that have been mentioned here would be prosecuted.

I am going to ask the Senator this question, because he is a very fair man: Does he blame my constituents, who have suffered the awful losses caused by the God of Nature in almost complete failure of their crops, a loss which enables them only to make about one-third of a normal crop—does he blame them for wishing to sell their crop at a price which will at least enable them to come out whole, when, with that desire, they say to the balance of the country: "We ask no favors. We are perfectly willing to go on the open market with our little one-fortieth of the whole, and if we can not compete, then we will have to suffer the loss"?

The VICE PRESIDENT. The hour of 12.30 o'clock having arrived, and the prophecy of the Senator from Washington [Mr. JONES] having been fulfilled, the Chair lays before the Senate the unfinished business.

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. BRANDEGEE. I should like to ask the Senator from Iowa whether I will be interrupting any plan of his if I should present an amendment now? I do not know what order has been reached.

The VICE PRESIDENT. There is an amendment pending, offered by the Senator from Illinois [Mr. MCCORMICK], to perfect the text.

Mr. STANLEY. Mr. President, on yesterday I talked to the Senator from Illinois [Mr. MCCORMICK] and to the Senator from New Mexico [Mr. JONES], both of whom have amendments here to perfect the text, while my amendment is to strike out; and, there being some question about the parliamentary status, the Chair ruled that the amendment offered by the Senator from Illinois was in the nature of an amendment to perfect the text and took precedence over a motion to strike out.

The VICE PRESIDENT. That is true.

Mr. STANLEY. I felt that outside of the parliamentary status this amendment of the Senator from Illinois would itself probably need perfecting, and is subject to amendment and to discussion, and that it would be much better to substitute something in lieu of the provisions of the bill after we had eliminated those provisions. As a matter of legislative procedure, it is unfortunate that the technique of parliamentary procedure prevents the carrying out of that program which I suggested to the Senator from Illinois at the time, before the amendment was offered. He stated yesterday that he was perfectly willing, if it met the approval of the Senator from New Mexico, who had a similar amendment, to withdraw his amendment temporarily and allow a vote on the amendment that I have offered to strike out certain provisions. I will ask unanimous consent that that procedure be followed, since it meets the approval of the proponents of both the other amendments.

Mr. CUMMINS. Mr. President, I do not rise to object to the unanimous consent asked by the Senator from Kentucky, for I do not care how the Senate approaches this question. I understood from the Senator from Illinois last night that he had withdrawn the amendment as offered, but asked to have it printed, so that it would be before the Senate this morning.

Mr. STANLEY. That is the fact.

Mr. CUMMINS. However, it appears from the RECORD that I am mistaken with regard to that.

Mr. STANLEY. I will state to the chairman of the committee that his statement was based upon the statement made to me that he would withdraw it if it met with the approval of the Senator from New Mexico [Mr. JONES], who we thought was here. I did not get to see the Senator from New Mexico until he was just preparing to leave, and by that time the Senator from Illinois was gone, and the agreement was not carried into effect because of other matters, roll calls and the like.

Mr. CUMMINS. I understand that the Senator from Kentucky now asks unanimous consent to present his amendment.

Mr. STANLEY. That is right, notwithstanding the ruling of Chair.

Mr. CUMMINS. And have it voted upon first, notwithstanding the rules of the Senate.

Mr. STANLEY. Yes.

Mr. CURTIS. Mr. President, the Senator from Illinois [Mr. MCCORMICK] is on his way over here from the Office Building. I wondered if this amendment could not, by unanimous consent, be temporarily laid aside, and let us dispose of the amendment which the Senator from Connecticut [Mr. BRANDEGEE] desires to offer.

Mr. STANLEY. I should prefer to let the amendment of the Senator from Illinois remain in abeyance and proceed with this amendment to strike out.

Mr. CUMMINS. I may say further that in a conversation I had with the Senator from Illinois this morning about the matter I understood him to indicate that he was willing that a vote should be had first upon the amendment proposed by the Senator from Kentucky.

Mr. STANLEY. That is correct. The Senator from Illinois said that to me.

Mr. MCCORMICK entered the Chamber.

Mr. CUMMINS. The Senator from Illinois is here now, however, and he can speak for himself.

Mr. STANLEY. I will say to the Senator from Illinois that I have just stated that if it meets with the approval of the Senator from Illinois, and the Senator from New Mexico concurs, I should be glad to have a vote first on the motion to strike out, and then a vote on the amendment offered by the Senator from Illinois.

Mr. MCCORMICK. Mr. President, in order that I may be clear as to the parliamentary status of the amendment which I have offered, let me inquire if I withdraw my amendment for the moment in order to permit a vote on that of the Senator from Kentucky would my amendment then be in order if that offered by the Senator from Kentucky should fail of adoption?

The VICE PRESIDENT. The Senator from Illinois has moved to amend part of the text which the Senator from Kentucky has moved to strike out. If the motion of the Senator from Kentucky is first put and carried, the Senator from Illinois could accomplish his purpose by moving a new amendment embracing the part of the old text which he desires to remain, with the amendment which he desires to add to the old text. That is the only way in which it can be done.

Mr. McCORMICK. That I understand, Mr. President; but if the amendment offered by the Senator from Kentucky should fail of adoption, there is no doubt about my amendment being in order?

The VICE PRESIDENT. Oh, there is no doubt at all.

Mr. McCORMICK. Then, Mr. President, since there are Senators who wish first to vote upon the amendment offered by the Senator from Kentucky, and later, if it fails, to support an amendment like my own or that of the Senator from New Mexico, I will withdraw my amendment in order that that offered by the Senator from Kentucky may be voted upon directly.

Mr. STANLEY. I will say to the Senator from Illinois, in that connection, that if this amendment should prevail, it would not interfere at all with the offering of the subsequent provision and such amendments to it as might be necessary.

Mr. McCORMICK. I understand; but I feel that I owe this courtesy to the Senator from Kentucky.

Mr. STANLEY. I thank the Senator.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kentucky, which will be stated.

The SECRETARY. It is proposed to strike out sections 25, 26, 27, 28, 29, 30, and 31—that part of the bill relating to the settling of disputes and controversies between railways and their employees and creating a committee of wages and working conditions.

Mr. UNDERWOOD. Mr. President, before a vote is taken upon the motion of the Senator from Kentucky [Mr. STANLEY], to strike out the provisions in this bill relating to labor adjustments, I desire to say a few words against the motion.

Since the dawn of civilization, no more difficult problem has faced humanity than the problems involved in labor and its employers. Naturally, there always has been a contention between the employer of labor and the employee. Up to the present time, at least in modern times, the contest between labor and capital, so called, has been settled by force. For many years, in the ages that have passed, labor was not strong enough to exercise its power effectively, and the force of capital dominated it, forced unreasonable and unjust terms on it, and it has only been through the gradual evolution of the rights of labor that it has come to a point where it can fight for itself.

Through the last half century labor has been fighting for itself, until to-day organized labor constitutes the effective force in human endeavor, the dominant force between labor and capital. It may be said that that is not an unjust position for it to occupy, because it has fought its way to that position. It would not be if the only matter in dispute were a fight between labor and capital. If that were all that were involved in the issue, I would not be in favor of the provisions of this part of the bill.

But the issue here goes far beyond the question of labor and capital. As a matter of fact, so far as railroad labor is concerned, it has no issue with invested capital. Theoretically it may have, but as a practical proposition the wages of labor engaged in railroad industry have long ceased to come out of invested capital. They come out of freight rates and passenger rates as prescribed by the Government, either through a director general or through the supervision of an Interstate Commerce Commission. The amount of labor involved and the value of labor's wage in this industry is so great that if it rested for one year upon invested capital it would destroy invested capital. Of necessity it must come out of the earnings of these roads, and the earnings of the roads must come out of the public.

If that is the case, is it fairly stating the proposition to say that labor must still carry its weapon of offense against capital, that the value of its wage must be determined on the battle ground between labor and capital, and then, after the battle is fought and won, the result of the victory must be assessed against the public, which has had no interest or no hand in the dispute?

But it does not even stop there. The public are not only required to pay the bill, but they must bear the burden of the fight. The reservation to labor of the right to strike is either an actual fact, a weapon that is poised on its way to the blow, or it is a mere theory and is of no value. If it is of no value, if it is not going to be used, if there is no danger of a strike, if it is not an effective weapon for labor, why should we hesitate to adopt clauses in this bill that provide that two or more men shall not conspire to interfere with interstate commerce? There is nothing to be obtained for labor if this is a mere theory, a weapon that will never be put into force.

On the other hand, if it is an actual weapon that some day may be used, who will pay the penalty? Of course there can be nothing else now but a universal railroad strike in this country. The day of a local strike is past. There may be a bubbling over here or there on the map. Labor leaders do not want local strikes. Railroad companies do not want them. It is only when the organization loses its control that a local strike takes place. The real effort is the effort to bring about a universal railroad strike in America.

That was threatened in 1916. We were told that it was imminent at that time unless remedial legislation was passed to avert it. Legislation was passed, and the strike was averted; and now we are told by some that there was no danger of that strike, that the men did not intend to strike, or that the representatives of the railroad companies would have surrendered. We are told by some that when labor came to Congress and asked that the Adamson bill be passed in order to avoid strike conditions the men who came here did not represent their organizations, and that they are in no way committed to the precedent set in that case. Nevertheless, a great strike was imminent, it was threatening the commercial life of the Nation, and was only avoided by legislative enactment.

Who would have paid the price if the railroads had stopped operating for 30 days by reason of a great strike? Capital would have been affected to some extent, because the earnings on capital might have been affected.

Labor would have suffered to a great extent, because labor's wages would have been wiped out for the period of the strike. But the sufferings neither of vested capital nor of labor would have been commensurate with the distress that would have come to every home of this land.

Stop the railroads from operating into the great cities for 30 days, and the population is starving. Stop the railroads from operating into an industrial center for 30 days, and commerce has ceased, and labor involved in commerce is out of employment. Stop the railroads from operating for 30 days, and the whole business life of the Nation has ceased to function. That is the price that the people of the United States must pay for the privilege given to organized labor to declare a universal strike for any cause and to make it effective.

I am not going to contend as to whether the cause of labor is just or not. Men are human, whether we class them in the aggregate or as individuals, and human nature is prone to err on either side of the equation. I think it is safe to say that sometimes a strike is most just, for a most just cause, and at other times a strike is without reason or justice behind it.

But that is not the question involved here. The public, the hundred millions of people in the United States, are not those who determine whether the strike is just or unjust. They merely stand to pay the penalty, and they will have to pay it some day, beyond peradventure of a doubt, if the Congress of the United States is unwilling to meet the situation and put remedial legislation on the statute books that will work justly to all men and avoid the dangers to the American public.

Some men speak of the so-called right to strike as if it were a human right, a right that belonged to men, like the right to live, the right to breathe, the right to work in an individual capacity. Organized labor itself repudiates the foremost right of man, the right to work, when it stands for a closed shop.

The by-laws of many of these organizations proclaim that no man can work in certain shops or at certain employment unless he belongs to a particular organization and works within the rules and according to the dictates of that organization.

If labor has the privilege and the right to deny to other labor the unrestricted right to toil and earn its daily wage, does it lie in their mouths to say that the Congress of the United States is taking away from them an inherent right that belongs to them when the Congress says, "You can work only under certain limitations," the Congress speaking for the whole people of the United States?

To strike! What does it mean? Men now talk of the right to strike as if it were the right to quit work. The right to strike and the right of the individual to quit his employment are two very different things.

One is the exercise of individual liberty, the other is the exercise of aggregate force to accomplish a purpose, to carry out the desire of the men engaged in the strike, or of the organization that has ordered the strike. One is a negative force, that hurts no man; the other is an active force, that injures many. This bill in its terms provides that nothing written in these pages shall be construed as preventing any

man engaged in the railroad business from quitting his employment, and yet they speak of it as if this bill intended to coerce men to work when they did not desire to do so.

A strike is what it implies in its own terms. It is a blow, a blow directed with an object behind it, and it is the only way that it makes it effective. Is the Congress to stand here and allow any organization whatever to deliver a blow against the American public that may endanger the very life of the Nation, or is it our duty to see that substantial justice is done to all concerned without the delivery of the destructive blow?

When the bill and these provisions were before the Committee on Interstate Commerce Mr. Gompers appeared as a witness in opposition to the bill. I asked him some questions regarding the matter. I think his answers to the questions I asked thoroughly defined the position of labor in regard to the bill and where their position leads to. I am therefore going to take the time of the Senate to read three or four pages from the hearings, so that that provision may be made clear in the RECORD.

I said this to Mr. Gompers:

I think some of the gentlemen who have come before us have misunderstood the purpose or the reason for the initiation of this legislation; but I am sure you have not, because I think you recognize the fact that in recent years you and those you represent have been reasonably and fairly treated by Congress. Of course, this legislation comes with a sentiment behind it or it would not be here; but there is a sentiment among the people that is responsive to it, because Congress seldom acts without the sentiment of the people in framing legislation. Of course, you recognize that that sentiment comes from a fear that a general universal strike throughout this country would bring a debacle that would make the mass of the people who are not engaged in the strike suffer more than even the horrors of war. Now, that is the real thing that brings this legislation to the table. Now, I want to ask you if you oppose it or if you think it is ill advised to meet this situation by profit sharing or any other reward to labor except the just wage that is due it; how are we to avoid the danger to the public of an issue that comes, that may come at some time? Fortunately it has never come yet in that stressed form, the danger that may come to the public of a universal strike in this country that might last for months. Is there any other way to avoid it except by law?

Mr. Gompers answered the question as follows:

You can not avoid it by law. That is not the way to avoid it.

Then I asked:

What other way is there to avoid it? Of course, I do not so agree that it can not be avoided by law. You may be right; I may be wrong. I think the law goes a long ways sometimes——

Mr. GOMPERS. Sometimes.

Then I asked the question:

But I would like to have your view. I think it is a serious problem that confronts the country. I am sure that you realize the seriousness of the problem, and I would like to have your view on that subject.

Mr. GOMPERS. No one views that thought, much less that act, more seriously than I do; but I do know this: There has been no general strike of railroad men in the United States, and the attempt that was made in 1894 with the A. R. U. strike was, after a few days, practically abortive. The railroad brotherhoods stood as strongly against that general strike as any body of men could. They had more influence in determining that it should not pass those limits or reach those limits than anybody could have, the Congress included. The American Federation of Labor was a party to a conference in 1894 at Chicago where an urgent appeal was made to us to order or to declare for a general strike of all the workers of the country. The men of the American Federation of Labor were in conference with the chiefs of the railroad brotherhoods, and that was negatived. We were willing to do anything we could to bring about better conditions for the workers at Pullman, Ill., but we would not sanction, but gave our disapproval of, anything like a general railroad strike or a general strike among the workers.

Then I said:

Well, I am not talking about the past. I suppose the nearest we came to it was in 1916. But it does mean that that is what the public visualizes, and that is the sentiment that stands behind this bill.

Mr. GOMPERS. The question is whether such a strike could be prevented if this measure were enacted into the law. That is the question.

Then I asked the question:

Well, that question, of course, I recognize. I recognize, as a rule, if this became a law that it would prevent a universal strike; but I may be in error. You may be right; but the question I would be glad to have you answer to go into the record, not only for you and me but for the country to understand, is, Is there any other way that a universal railroad strike or the danger of it can be avoided if the Government itself does not act?

May I read that question again, because I want to impress it upon the record?

Is there any other way that a universal railroad strike or the danger of it can be avoided if the Government itself does not act?

Mr. Gompers answered:

I can not underwrite any measure or proposition that will absolutely prevent a general railroad strike. No one can. But this I do know: That fair treatment of the workers and with the workers' organizations is the best insurance against such a movement, such a strike. You will find the four railroad brotherhoods, with their executive officers, are men of experience, men of intelligence, and men with a fair sense of the responsibility that rests upon them. I do not mean only the chiefs of these brotherhoods; I have also in mind their associates on the executive boards and in the various divisions throughout the country.

There is no greater safeguard against such strikes than a reasonable course pursued by the companies and by the employers to treat with the workers and give these men a fair chance that they may have the opportunity of educating their fellows. If that chance is denied them, if every move they make is antagonized, their influence will be destroyed and the element that now would turn this country topsy-turvy would have the ear and the attention of the discontented in the organizations and the unorganized.

Then I said:

Well, I am interested in what you say, but that does not answer the question. I assume that you mean by your answer to the question that you do not think it is possible in any other way except by law, by this law, to eliminate the possibility, the future possibility, of a universal railroad strike.

Mr. GOMPERS. I say with the full understanding of the words I employ, that the surest way of creating dissension, greater unrest, possibly leading to such a strike, is the provision in that bill. No other agency could provoke it more than that bill.

Yesterday I took occasion in some little detail to discuss the experience of the countries in which compulsory arbitration has been tried. Although it is not called a compulsory arbitration law, it still is, in other words, a law to determine wages, hours, conditions of employment; and if there be no majority of the two parties or four, then there is an appeal to another board whose findings and award are final in matters on wages, hours, and conditions of employment. It is final. There is no appeal anywhere. The men must obey. They must work, whether they will it or not. They can not quit work, they can not strike, if you please. You will never take away from the working people by law or by any other process the right of the workers to quit their employment.

Then I said:

Well, I would not do that if I had the power.

Mr. GOMPERS. That is done in that bill.

I said:

I do not think it is in that bill.

Mr. Gompers said:

It is in the bill, section 29.

I then said:

But the difference is, or I think it is, under the bill, that there is no limitation on the power of the workers, in singles or in pairs, to quit the railroad employment unless they do it for the purpose of interfering with commerce, the movement of commerce. Of course that is a different question from the mere question of their right to work. In the interest of the public we pass many laws restricting the rights of the individual. Of course, to keep the flow of commerce that keeps the people of America going, I have no doubt, and I do not think you would disagree with me, that we have a right to pass reasonable laws and regulations in the protection of the public. That is the way I view this part of the section. The real question involved in this bill is the question of the Government fixing the wage instead of the corporation fixing the wage. Although this is called arbitration, I think you will agree with me that this is not compulsory arbitration, but, in the last analysis, it is the fixing of the wage by the Government. The Government board has the last say and it fixes the wage.

Mr. GOMPERS. Yes; and the men are compelled to work under that governmental award.

Then I said:

Well, just as clerks in a department in Washington, with their fixed wages, are obliged if they want to work at all.

Mr. GOMPERS. But they can not quit. They must work.

I said:

I do not understand it that way. I think you are wrong.

Omitting a few sentences there that are not pertinent to the issue, I said:

If it was intended to stop the movement of trains, yes; but not because a man was not satisfied with his job and wanted higher wages.

Mr. GOMPERS. The man who wants to quit his job can quit. It is not a question of a man quitting his job, but two men in concert quitting their jobs in order to persuade or influence the employer to grant better conditions; and the idea of simply quitting is not the only thing. No man can quit his job without inconveniencing the employer or others. The stenographers in the Senate, if they informed the clerk, or the man who has them in charge, who gives them employment, that they are no longer willing to work for the rate of compensation, and they quit work, it would inconvenience the Senate very materially; and that is the purpose, to inconvenience the Senate sufficiently that the Senate will yield a fair consideration to these men.

I will not take up the time of the Senate in reading further from this statement, but I have read from it for the purpose of bringing out two facts: One is that Mr. Gompers, the supreme head of organized labor in the United States, declares that there is no other way to avoid a universal strike except by this bill; and he denies that this bill will do it, but he says there is no other way. Then he says that a strike is an offensive weapon. In the last sentence that I read to you he admits the bill does not prevent the individual from exercising his personal liberty and quitting work when he desires to do so, but that it does prevent two or more from exercising the right to quit collectively so as to inconvenience their employer and by that course compel the employer to agree to their terms of employment.

That is the issue presented to the country. It is not disputed by the supreme head of organized labor. The question that confronts this body is whether or not, under those circumstances, the Senate of the United States intends to surrender the initiative—to recognize that there is no way to avoid the calamity of a universal strike except by law, and then refuse to pass the law.

About the terms of the law I am not so much concerned. Write in this bill a provision that the mass of the American

people shall no longer be in danger of a universal strike and I am willing for you to write the terms under which labor shall surrender that so-called right.

I fully recognize the fact that the force of the blow under the right to strike is the weapon by which labor must battle upward, and under ordinary circumstances and conditions it is entitled to use that force in its own behalf, if it does not endanger the public. I also recognize the fact that if that right is taken away from organized labor or unorganized labor, in justice and right they must be given some remedy in its place. Labor should not be disarmed and capital left armed cap-a-pie to ride them down; there would be no justice in that, but in every other walk of life we have established the courts of the land to avoid the blow.

Back in the generations that have passed man held his property by force of arms; to-day he holds his property by force of law. So long as the strike did not threaten the body politic, the Government ignored the power of the strike, but now that the people, as a whole, are endangered, only the Government can protect them.

Is it injustice to any man to prepare a fair and just tribunal in which the great issue of wages and working conditions may be worked out and solved, first, in the interest of labor, and, second, in the interest of the American public?

Mr. Gompers, in his testimony—and I take his testimony because he is the leader; the testimony of the chiefs of the brotherhoods who appeared before the committee was along similar lines—Mr. Gompers, in his testimony, says that the way to avoid strikes is through the moderation and conciliation of the railroad chiefs and their subordinates; the reaching of a common understanding on controverted matters; working out abstract justice through mediation. Have they any less opportunity to work out abstract justice through the mediation of a Government board such as is proposed by the bill than they have in a board of directors of a railroad company? I think not. I think the position of labor, if it is only battling for what is justly its rights, is vastly more improved under the terms and conditions of this bill than if it were relegated back to the present warring conditions prevailing between labor and invested capital.

Mr. McCORMICK. Mr. President, may I ask the Senator a question?

Mr. UNDERWOOD. Certainly.

Mr. McCORMICK. I assume the Senator does not argue that even though the Senate were to accept the amendment of the Senator from Kentucky we would be going back all the way on the road to the original status of labor and capital vis-à-vis.

Mr. UNDERWOOD. Of course, I could come to no conclusion about that until I saw the final action of the Senate. The Senate might strike out all the labor clauses of the bill and put something else in their place, but it might not. I think that the fundamental provision in this bill which is going to work out a result is the one that if arbitration fails, if conciliation fails, a board of men appointed by the President of the United States, representing the American people, assumed to be free from bias and prejudice on either side, shall sit in final judgment and determine what is a fair wage, not between labor and capital but a fair wage between labor and the public that pays the bill. I do not know of anything that would be a greater backward step for the Congress of the United States to take to-day than to abandon the efforts made during the Great War by the Government and its Government boards to see that labor was justly and fairly compensated and avoid the debacle of strike conditions and strike out the labor provisions of this bill. That is what it means.

How many strikes were adjusted during the Great War because there were in existence boards similar to those set up in this bill? Can anyone say that labor was unjustly treated, that the Government wronged the labor of the United States in the trial of these matters? I think not. I say the man who predicts that a board representing the Government of the United States can not do justice to labor doubts the very fundamental principle on which our Government is established, doubts the ability of our Government to do justice between man and man and preserve the liberties of the American people.

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. UNDERWOOD. To be sure.

Mr. STANLEY. The Senator states that certain boards of conciliation were successful—and they were successful—in preventing dislocations between labor and capital during the war. If in the stress of war the Government was able by the use of boards exercising purely moral suasion to prevent those troubles, does not the Senator think that the same power and boards clothed with the same authority ought to do it in time of profound peace?

Mr. UNDERWOOD. Well, I understand that the Senator from Kentucky is objecting to Congress writing this legislation on the statute books.

Mr. STANLEY. I have no objection to such boards as were organized during the war. I have no objection, and in fact I think it is wise, that the President should name, as President Roosevelt did, boards to hear differences between these people, as the President named a board the other day. As long as the Government moves by moral force and appeals to public opinion, and gives publicity to any unjust demands made by either labor or capital, that is perfectly proper. But when the Government ceases to appeal to the moral sense of a free citizen and attempts to deprive him of a hitherto inalienable right by lodging him in jail, that is a different thing. That is not conciliation; that is compulsion.

Mr. UNDERWOOD. This is the first time I have ever heard my friend from Kentucky argue in favor of a government of men, and not a government of law—argue against the fact that the law of the land is, or should be, the highest ideal of moral suasion to the people.

Mr. STANLEY. I think it would be better for the law to provide for boards of conciliation. I am not objecting to that. Does the Senator from Alabama argue that the Presidents of the United States in time of war, or even in time of peace, have violated any law in suggesting these boards?

Mr. UNDERWOOD. Oh, not at all.

Mr. STANLEY. There is one right that is higher than even the mandate of a law, and that is a natural right.

Mr. McCORMICK. Mr. President, I think the Senator from Alabama will concede that there is a new blend in the old doctrine held on the other side of the aisle. He ought not to challenge the Senator from Kentucky on that ground.

Mr. UNDERWOOD. That may be; but I am not willing to concede that for my friend from Kentucky. I have served in the ranks with him too long. Hard cases drive us sometimes to hard points; but I know the simon-pure democracy of the Senator from Kentucky as few other men know it, and I do not doubt it at the test point. But my friend from Kentucky is not moving merely to strike out the punitive features of this bill; he is proposing in his motion to strike out the entire sections relating to labor, the clauses relating to arbitration, the clauses relating to a Government board of adjustment, as well as those sections which provide that a man who interferes with the movement of the commerce of the country shall commit a crime.

Mr. STANLEY. Mr. President, I am sure that my just friend, the Senator from Alabama, would not attribute to this motion a motive which did not inspire the maker of it, although the Senator might be warranted in coming to that conclusion from the fact that there was a motion to strike out. I will say to the Senator from Alabama that I have no objection to boards of conciliation and arbitration; that my motion to strike out all these provisions was for the reason that in the first place I objected to the compulsory and punitive provisions contained in the thirtieth and thirty-first sections, and that, in my opinion, the other provisions are too cumbrous and embrace a mass of details that are not necessary; that I have no objection to the principle involved and simply believe that the end can be attained by a simpler process and less machinery.

Mr. UNDERWOOD. Then I say to my friend—I am sure that is his position—that if that is the case, he should not by his motion seek to deprive the American people of the privilege granted them by the terms of this bill without proposing within the bill some other means of taking care of this situation. We may differ about the question of saying to a man, "You shall not strike"; but I am sure we can not differ about the proposition that if it was just and right for Mr. Roosevelt, as President of the United States, or for Mr. Wilson, as President of the United States, to propose a system of arbitration and award to take care of particular instances of strikes, and to reach an adjustment that would attempt to avoid injury to labor and capital and the public as well—because I do not know of any cases where the Presidents of the United States have exercised their high authority as first citizens of the land to avoid labor disputes except in those cases where the public was involved——

Mr. STANLEY. Mr. President, I seldom differ with my friend from Alabama, and always when I do with reluctance, and usually with regret, and I see a happy opportunity now, as the Good Book says, to "agree with thine adversary quickly, while in the way with him." Now, I am perfectly willing to amend this motion of mine, and provide simply for the elimination of the punitive features, eliminate the jail and the prison and the fine, and leave the conciliation and arbitration boards unaffected, if he will support that amendment.

Mr. UNDERWOOD. I will say to my friend that I hope, from the position he takes, he will undoubtedly do that. I think that

is the material part of this bill, not the punitive features; but I think the part of this bill that protects the public is the fact that you are going to have a Government board standing here to do justice in these matters. I do not believe that any man can lead the great mass of American labor to strike unless injustice has been done them, or they are led to believe that injustice has been done them.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Alabama yield to the Senator from Illinois?

Mr. UNDERWOOD. Just one second. I believe that if you have a fair and just Government board, which we must assume will justly decide these questions of labor and capital and the burdens under them, it will in the main prevent strikes in the future; and therefore I hope the Senator, unless he is going to propose some other amendment as a substitute for those sections of the bill, will not move to strike them out, because we are in accord on those features of the bill.

I yield to the Senator from Illinois.

Mr. McCORMICK. Mr. President, the colloquy between the Senator from Illinois and the Senator from Kentucky, and the tender on the part of the Senator from Kentucky leads me to ask if the Senator from Alabama will not anticipate a little and give his judgment on the amendment which I have offered, and of which I am in part, and only in part, the author.

Mr. STANLEY. Right at that point, Mr. President, pursuant to what the Senator from Alabama has said, I did not care to be put in the position which was justly warranted on the part of the Senator from Alabama, because I moved to strike out all of these provisions, and he had a perfect right to conclude that I was opposed to the principle of the thing that I proposed to eliminate. That, however, was not the thought in my mind. I am of the opinion, however, as I explained in a rather elaborate address before this body a day or two ago, that the English system of boards of conciliation in large establishments, made up of equal numbers of employers and employees, without making the organization of that labor a condition precedent, and allowing either union or nonunion labor to avail themselves of the services of such boards, is more feasible than the measure hinted at by the committee or the measure definitely outlined by the House of Representatives. It is not my purpose to oppose the very laudable endeavor on the part of the committee and the laudable purpose on the part of the people of this country, both capital and labor, to adjust industrial dislocations by every possible method of arbitration and conciliation, because the strike is to industrial peace what the battle is to political warfare—a dernier, and usually an indefensible, resort.

Mr. UNDERWOOD. To be sure; and that is the reason why I think we ought to put something in its place, because that battle field goes over the homes of America; that battle field rests on the heart of America; and the Congress of the United States can not do its full duty to the American people and let that battle field rest where it is.

I do not think that there is any man on the Committee on Interstate Commerce who has any dogmatic views about the provisions of this bill in reference to the labor dispute. The committee have been attempting to work out a higher ideal. The bill must yet go to conference. All these provisions may yet be changed in conference. What I say is that if a man believes in those ideals he ought either to let these provisions go to conference or he ought to propose something better in their place.

Now I will answer the Senator from Illinois. Since the Senator offered his amendment I have not had an opportunity to read it, and therefore I am not sure whether or not I have in mind exactly what he intends. But I will state what I understand his amendment to be. I understand that his proposal is substantially what has been known in the past as the Canadian arbitration law.

Mr. McCORMICK. In good part.

Mr. UNDERWOOD. That was my understanding.

Mr. McCORMICK. Let me add, if I may, that it amends the provisions of the bill as reported from the committee by qualifying the prohibition against strikes. It would prohibit a strike until after a period following the rendering of a decision by the board.

Mr. UNDERWOOD. I understand the provisions of the Canadian law, because I have read those a good many times, and in what I am saying now I may make a mistake in reference to the Senator's amendments, because I am talking now about the Canadian law. If it does not apply to his amendment I hope he will correct me.

In the first place, my objection to the Canadian law as a substitute for the provisions of this bill is that they are only temporary. They are helpful, or supposed to be helpful; at least they are an effort along the right line. But they are not conclusive. They stop the strike by force of arms until arbitration takes place, and then after arbitration takes place a certain time is allowed to expire, and then the battle can go on. I think the time has come when the battle should cease, and that is what I stand for. The Canadian provisions, as offered as a substitute for this clause, leave out of the equation the principal party to it, the party who pays the bill.

The Canadian law provides for an arbitration board, to be selected on the one hand by labor and on the other hand by capital, and they are to decide the terms of employment.

Mr. CURTIS. Mr. President, as I understand the amendment offered by the Senator from Illinois, it leaves the labor boards and the transportation board as they are in the bill, the transportation board representing the public and having, as I understand it, the final decision.

Mr. UNDERWOOD. Of course, as I stated in my remarks a minute ago, I have not read the amendment proposed by the Senator from Illinois, and I was addressing myself to the Canadian law, because I understood it was modeled on that; and, as I stated, my objection to the Canadian law was that it represented only labor and capital and had no representation for the public; and yet in railroad disputes no man can contend today that the shipping public does not pay the bill, and every material increase in the wages of labor must be reflected into the pockets of the American public or the railroads would go into the bankruptcy court.

Of course, if the Senator's amendment provides that in the end there shall be a final board representing the Government, appointed to represent the American people, then this criticism would not apply to his amendment. I have not read it.

Mr. CUMMINS. Mr. President, may I interpose a word at that point?

Mr. UNDERWOOD. Certainly.

Mr. CUMMINS. I have read the amendment of the Senator from Illinois [Mr. McCORMICK] as well as that of the Senator from New Mexico [Mr. JONES], and there is no substantial difference between the two amendments. While they take on, in a general way, the form of the Canadian statute, they are not at all similar so far as the proposition of the board or boards to make investigations is concerned. The amendment of the Senator from Illinois leaves our boards, as stated in this bill, just as they are now; and the essential difference is this—and I will read that part of the amendment so that the Senator from Alabama can have that difference in mind. This is after the board or boards have considered the dispute and have issued a recommendation or decision, whatever you may be pleased to call it. It does not bind anybody so far as the future is concerned, either railway company or employee. It proceeds:

> Any carrier subject to this act which shall, for the purpose of enforcing or supporting its position or contention with respect to any demand made by its employees relating to terms of employment, discharge, suspend, or deny employment to any of its employees prior to or within 60 days after the publication of the report of the board respecting the matter in dispute.

That takes care of the carrier. Then it provides:

> And any employee of a carrier subject to this act who ceases or quits work in combination with other employees thereof, prior to or within 60 days after the publication of such report, for the purpose of inducing or compelling such carrier to grant or continue to grant terms of employment, or for the purpose of helping other employees to induce or compel their employer to grant or continue to grant terms of employment, shall be guilty of a misdemeanor.

The essential part of it is that the Government boards go forward and make the investigations. They issue a recommendation with regard to the dispute, I assume as to the merits of the dispute, and then for a period of 30 days the carriers can not discharge the employees on account of the dispute, and the employees can not cease to work, in combination, on account of the dispute. But at the end of 30 days both the carrier and the employees are at perfect liberty to renew their struggle, and one can lock out the employees, and the other can enter into combination and suspend the commerce.

Mr. UNDERWOOD. That was my understanding of the Canadian law. But the Senator from Kansas [Mr. CURTIS] suggested that in this amendment they provided for the same arbitration and the same final board of adjustment that is provided in this bill. I am not informed about that. Can the Senator from Iowa inform me?

Mr. CUMMINS. I think that is true.

Mr. McCORMICK. That is true. The amendment makes only two substantive changes. The first limits the period within which the board and the committees now created by the bill may have the dispute under consideration, in order that it may not be interminably drawn out; the second fixes a time after the final decision of the board before which it shall be illegal to strike under the terms of the bill.

Mr. UNDERWOOD. I will say, in reference to the amendment of the Senator as I understand it, I would prefer to have his amendment than no legislation at all; but if it is a good thing to prevent a strike temporarily—and it is—why is it not a good thing to prevent it entirely? If this can be worked out justly as a temporary matter by a Government board and boards of arbitration, why can it not be worked out as the final conclusion? That is the question. If it can, why should we limit the process? It is either right or it is wrong in principle. It is either right or it is wrong in justice to the men who are earning their daily wage on these railroads. It is either right or it is wrong so far as the American public is concerned; and if it is right in part for temporary purposes, then it seems to me the conclusion is irresistible that it is right in whole and should be adopted for the final conclusion.

There is nothing in this bill that prevents any man from quitting work if he does not enjoy it. If he thinks he can get a better wage or more satisfactory employment somewhere else, there is nothing within the folds of this bill that stands in his way. The only thing in this bill, if you bring it down to its last analysis, and eliminate all the preliminary procedure of arbitration and leading up to the question of final conclusion, is that a Government board, appointed by the President of the United States and confirmed by the Senate of the United States, representing the hundred million people of this country, entirely free from bias on the side either of capital or labor, shall determine what is a fair and just wage to the men who carry the commerce of this country, and then reflect that determination back into the freight and passenger rates, and make it a charge against the shipping public of America, and I might say the consuming public of America. That is all there is in this bill.

But, like any other law that is in the interest of the people, the bill says that if you do not comply with the law, the Government makes you comply with the law. What does that mean? That means that any man in railroad employ in the future, if the terms of this bill are adopted, who is not satisfied with his wage or his working conditions, can carry his complaint to the Government tribunal without let or hindrance from anybody. He does not have to be the tool of a labor organization or of a railroad company. He can exercise his own individual rights, and have the Government determine what is a fair and just wage. I say that there is no danger of the Government doing injustice to this great body of citizens of America. This is a republican Government, a free Government. The men whose wage scale will be tried in this Government court cast 2,000,000 votes in the American Republic. Is it at all probable, under those conditions, that the finding of that board is going to be unjust and inequitable in their behalf?

I think not. If there is any bias to be expected on either side, it will fall on the side of the employee, naturally, but in the end it will be a check against any inordinate increase of wages that must be reflected into the freight rates that must be paid by the American people.

My friend, the Senator from Kentucky [Mr. STANLEY], was contending with me on the floor a day or two ago that possibly an increase in the freight rates of America might mean an increased charge to the American public of five times the amount of that increased rate. I am going to apply his own argument to himself, that where we charge $1 more for freight the consuming American public must pay $5 before its food and its clothes come to its homes.

Mr. STANLEY. That was an inquiry, not an assertion.

Mr. UNDERWOOD. It had been asserted by others, and I am just going to bring those coals home to Newcastle.

There is no theory about the proposition which I am now going to state. Since 1916 and largely during the period of the Great War the wage of the railroad workers of America has increased a billion dollars. That is no theory; that is a fact. A billion dollars! If those who contend that increasing freight rates $1 reflects $5 into the cost of the product when it reaches the ultimate consumer are correct, then we are to believe that the increase of $1,000,000,000 in the labor wage of the American railroad employees was instantly reflected into the freight rates because it could not be paid anywhere else.

The Director General of Railroads increased the freight rates 25 per cent and the passenger rates 50 per cent throughout America. He made a greater increase than that, because he changed classifications in many particulars that amounted to an increase in freight rates. So that the extent that the wage scale went up was reflected into the pockets of the men who ship the freight.

That being the case, is it contended that that billion dollars' increase in wages reflects $5,000,000,000 in the pockets of the American people? If it does, we have some idea of where, at least in part, the increased cost to the American people comes from.

The question of wage scale is not settled. I am not going to pass on the contention as to whether it is right or wrong. I am not informed. It is not my place to pass on it. But we know that the men engaged in the railroad world to-day are insisting now that there shall be a further increase in wages. They may be right or they may be wrong. If that wage increase is anything in proportion to the last one, then it would mean another billion dollars, and if the argument about freight rates as made by some here is correct, it would mean reflecting into the pockets of the consuming masses of American people another $5,000,000,000.

Now, can the Congress of the United States, because it wants to be just to labor, because it wants to be fair to labor, ignore labor itself, ignore the clerk in the countinghouse, the ditch digger in the street, the man on the scaffold building the great buildings of America, the laborer on the farm, and say that an organization in the United States composed of not over 2,000,000 men can reflect their will and through the power of the threatened strike force billions of dollars into the cost of living of the American people?

That is the issue at which I am looking. I do not stand here holding a brief against labor. I know that when labor ceases to battle upward the Nation is dead; but when one class of labor, one clan in the great body politic of labor, desires to reserve to itself the right to stand independent of the Government, to exercise its right or the so-called privilege to strike in order that it may enforce additional burdens on the masses of the American people, then, I say, the time and place have come when it is the duty of the Government of the United States to function in the matter.

Do not tear down class or clan. I am not in favor of destroying union labor. I think union organization has done great things for labor, and sometimes it has done great injury to labor. I am not with union labor when it seeks to make the closed shop and deny to other men the right to work. I am not with union labor when it says by force of arms, the force of the power to strike, that "we can invade the party politic and make the American public pay the price, right or wrong." I am not with union labor then, but I am with union labor when it says, "We are entitled to social justice."

That is the high ideal of all labor, the uplifting of the home, the education of children, the upbuilding of society—all that is theirs, justly theirs; but it is in keeping with the exercise of the brutal power of the savage to strike down other men with a blow in order that they may take home what they have, regardless of the right or the justice in the case. When you say that labor has the right to exercise or bring about a universal railroad strike in the country, to starve the American people into submission in order that it may dictate to them its will and put its penalties on the backs of the American people, then I draw the line and I will not go with you.

If that is the case, if that is the justice of the cause, I say, give them a Government board to decide what is a just wage, and I will go with you as far as you can go to see that that board is just and fair and equitable. Then I say that the decision of that board is written into the law of the land, and I am prepared to send to jail the man who defies its conclusions, like I am prepared to send to jail the man who defies the law of the land.

The great sustaining policy of the American Republic is its just laws, and they can only be just to all by all upholding them. How are we to uphold them? We can not uphold the law by appealing merely to the conscience of men to obey the law. Most men obey the law because they respect it, but some men are highwaymen and obey no law except by the force of the strong arm of the Government.

If you have worked out abstract justice through courts of arbitration and the final court of the Government to solve the question in the interest of labor and have protected the American public against unjust demands, and at the same time have left labor free to exercise its individual liberty and quit employment when it elects, so long as it does not defy the law, then I say that you have, as this bill does, responded to all the demands of abstract justice, and the man who defies it stands in defiance of the law and, like other lawbreakers, should be punished.

Mr. THOMAS. Mr. President, I have listened to the discussion of the bill as constantly as my other duties have permitted. It has been presented to the consideration of the Senate by those familiar with its character and who have framed it after many months of long, anxious, and exhaustive consideration. I do not think any measure was ever presented to the consideration of the Senate, with the possible exception of some of our revenue bills, which has received more attention than has been devoted to this one by the Senate Committee on Interstate Commerce.

This body owes a lasting debt of gratitude to the committee for its earnest and laborious effort to solve one of the most complex and important problems which this Congress must solve. The theory of the bill was presented very ably and exhaustively by the chairman of the committee, and however much one may differ from his conclusions or from the basis of the details of the bill, he will give him due credit for a thorough understanding of the subject and for reviewing the action of the committee that would have been most edifying to every Member of the Senate had they attended and listened to his statement.

I am not satisfied, Mr. President, with this measure. It contains many features which do not appeal to my judgment. If I were to frame a bill covering its subject matter I should certainly eliminate some of its features and include some which are absent from it. I realize, however, that those in charge of the subject are far better informed than I am regarding its details, and that the bill is the result of their composite effort to reach some basis of legislation reasonably just in its provisions and which may command our approval, although reluctantly given.

Since the bill has been pending I have endeavored to outline some provisions more acceptable to myself, but I have not been able to reach a conclusion which, in my judgment, would command the vote of a majority of this body. Concretely, I should like to see the railroads returned to their owners with a Government guaranty against loss and for a revenue equivalent to that provided for in the existing law for a 12-month period of time after the roads were thus transferred.

I believe that such an arrangement, simple in character, might be so far successful as to enable the Congress in the interval between its enactment and its maturity to supplement it with such legislation as the experience of that interval might require.

I am also wedded to the theory of regional incorporation, and for reasons which I have not the time to present. I dislike the limit of compensation, because it seems inconsistent with the competitive principle.

There are, however, obvious reasons for that arrangement, and particularly in view of the conditions under which the Congress justified the taking over of the roads. These constitute a contract between the people of the United States and the owners of the railroad property, a contract which we have observed and which we should, as an honest Nation, continue to observe. Whatever we may say regarding the manner in which railroad property has been acquired and the infamies which have at times attended its mismanagement, we must recognize that vast sums of money have been invested in the creation and operation of our great systems of transportation, and that, as property, it is as much subject to the protection of our laws and is as much entitled to proper consideration as any other species of property.

On the 21st day of March, 1919, "an act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," was approved by the President. The first section of that act, among other things, recites—

> That the President, having in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier making operating returns to the Interstate Commerce Commission, that during the period of such Federal control it shall receive as just compensation an annual sum—

And so forth.

It was also provided that written agreements should be executed between the Government and the owners of the railroads providing among other things for the manner of their return.

> Every such agreement shall also contain adequate and appropriate provisions for the maintenance, repair, renewals, and depreciation of the property, for the creation of any reserves or reserve funds found necessary in connection therewith, and for such accounting and adjustments of charges and payments, both during and at the end of Federal control, as may be requisite in order that the property of each carrier may be returned to it in substantially as good repair and in substantially as complete equipment as it was in at the beginning of Federal control—

And so forth.

I take that to mean that the President must return, and under its terms he has contracted that the roads shall be returned, in as good condition as they were received, to do which the pending legislation or some legislation of similar character is necessary.

It must also be carried in mind that the acquisition of the roads by the Government was for war purposes, justified by war's necessities and made essential because of the crisis through which the Nation was then passing. With the subsidence of the necessity, the need for the roads having passed, they should be returned to the owners. A limit of time was fixed for that purpose, which, as I recall, was to be within a period of 21 months after the return of peace between the United States and the Central Empires.

We did not, therefore, take the roads from their owners for the purpose of keeping them permanently; we did not take them in pursuance of a previously agreed-upon policy; we did not propose to substitute Government ownership for private ownership and control. We simply did what any nation has the right to do, what any individual similarly situated has the right to do—we took them because of the need for our self-preservation, for our safety, and for exigencies which at that time menaced the public welfare.

We have been in possession of them for a period of practically two years. The war in the interval has been brought to a termination, so far as active hostilities are concerned, and this is one of the vexing problems resulting from it and with which we are called upon to deal.

Mr. President, believing that the committee having charge of the bill, cognizant of the magnitude of the problems involved, and inspired by a sincere desire to serve the country and this body, have given to the subject that exhaustive consideration which its importance requires, unless I can suggest something better, unless it is possible for me to devise some plan of return that will appeal to a majority of the Members of this body more completely than that which the committee has worked out, it is my duty to support it. It is for that reason that I have determined, except as some amendments are concerned, to take chances upon this measure, knowing that if it should prove defective or unworkable in any of its details we have at all times the power to improve by the process of amendment or elimination wherever it may be necessary to improve or to eliminate as time shall pass. We must make a beginning somewhere, and no scheme can be devised, no plan can be prepared, that will escape serious and substantial criticism and objection, however long the time we may devote to such a purpose, and however confident we may be of our ability to accomplish it.

When I was a young man, Mr. President, a bill for the resumption of specie payments was enacted, as I recall, in the year 1874. It provided for a resumption of specie payments in 1879. From the end of the Civil War to the enactment of that measure the country was torn by the issue of specie resumption. It became so acute that it ultimated in the creation of one of those temporary political parties which have punctuated the history of the United States—the Greenback Party—a party which had much of good in its purposes and much of logic in its platform; a party which made severe inroads into the ranks of the two great historic political organizations, and which largely influenced the discussions of that tremendously important measure. It was predicted that with the disappearance of the existing monetary system by the operation of the resumption act the country would encounter a panic of unprecedented dimensions; that business would become bankrupt, manufacturing stagnate, and hundreds of thousands of men would be thrown out of employment. Among others, Mr. President, I believed, possibly because the party to which I then and now belong opposed the measure, that many of these anticipated troubles would ensue in consequence of this legislation. But it went into effect; all efforts to repeal or to postpone it failed; and while it created a transient disturbance, while some features of business and of industry were more or less affected, it easily became an established fact, and demonstrated the unwisdom of attributing too much importance and too perilous consequences to a scheme of legislation deemed experimental in its character. We soon perceived it as one of the wisest and most desirable pieces of legislation following the establishment of peace, and it did more to settle and systematize the business of the country than perhaps any other single financial measure since 1865.

When I hear some of the objections presented to this measure, and when some of them occur to me, I comfort myself with the reflection that they may perhaps prove to be quite as ephemeral as those of 1879. Doubtless other items of legislation have been similarly opposed, and the consequences of whose operation have been similarly satisfactory. So I shall take the good with the bad, trusting to the future for the satisfactory outcome of the measure.

I know that under our agreement with the owners of this property it is our duty to live up to our covenant in all particulars. The Senator from Iowa [Mr. CUMMINS] led the fight in this body against that part of the present railroad law which fixed the compensation for the use of the roads. He convinced me that the rate was entirely too high, and I still think he was right about it; but the Senate disagreed with him, the House disagreed with him, the bill was passed over that and other objections, and when it became written into the laws of the

United States controversy ceased to exist and compliance with its requirements became a public duty.

The Senator has spent the last six months in a concrete effort to perform that agreement in the interest of the American people without doing injustice to any of its component parts; and I think under the circumstances he has done as well as, if not better than, any other man in this body could have done, because he has given years of anxious study and consideration to every feature of the great problem of public transportation and is justly considered a high authority upon the subject.

But, Mr. President, I have said more than necessary in a general way regarding this bill. I perhaps should from the outset have addressed myself to the sections which are covered by the motion of the Senator from Kentucky [Mr. STANLEY]. That directly concerns the operation of the property.

We are all agreed, we must be agreed, that transportation is a governmental function. It is the inseparable adjunct of our modern economic, industrial, political, and social life. The Senator from Kentucky has likened it, and very properly so, to the circulatory system of the human body, and there is no other simile which so simply and graphically illustrates its relation to the body politic. We have in this country nearly 300,000 miles of railroad, far more than that which exists in any other section of the globe.

It supplies a country of diversified climate and industries, occupying all the space between two great oceans, covering an entire continent, and, in width, the greater part of the Temperate Zone. It is inhabited by 110,000,000 people, living under a republican form of government, enjoying the blessings of free institutions, and mutually interdependent for their common prosperity. Each section contributes not only to the comforts but to the necessities of every other, and does so through and by means of the medium of physical transportation. Without such a system the country must languish, if, indeed, it does not retrograde. Without such a system the great cities of the country never would have risen and expanded; and perhaps it might not have been an unmixed evil had they been restricted to a much less degree of population and area than they now cover—but we have them. A majority of the people of the United States, perhaps—certainly in most of the States—are urban and consequently crowded into the centers of population. The world carries a very small amount of extra rations upon its back, and that part of the world inhabiting these great centers has practically no extra rations in stock. If you paralyze the system of transportation, if you interfere with the normal intercourse due to the running of trains, you not only seriously embarrass the welfare of these great masses of people but, continued for a short length of time, it will visit upon them all of the horrors of cold and starvation.

I might say in passing that this is one of the facts upon which the bolshevistic spirit counts, believing that the production of such a situation creates a fertile soil for the propaganda of blood and destruction which they preach and always practice when they can; and, of course, it is perfectly natural that large bodies of men and women deprived of sustenance should bitterly complain. It is perfectly natural that they do not stop to reason as to the why and wherefore of their condition, but demand relief, and demand it instantly. Moreover, Mr. President, the commercial interests of the country as to things material but not absolutely necessary to the sustaining of physical life—they, too, are dependent upon our system of transportation, and bankruptcy will confront them when it ceases to operate.

There is not a phase of modern civilization which is not bound up in our modern systems of transportation of merchandise and of intelligence. Therefore no man can safely challenge the proposition that it is a public function which it is the bounden duty of the Government to continue in full operation at whatever hazard. The trains must move; hence the franchise given to the corporation requires continuous operation and inflicts a penalty of forfeiture as a punishment for neglect of that duty, whatever the reason for the failure.

Inasmuch as unlimited private control of transportation in America has proven a failure, fraught with every element of discrimination, speculation, and abuse, the Government long since stretched forth its hand and exercised control over the operation of these huge concerns, and in some degree has been able to minimize these evils in the interest of the general public.

We speak of the general public frequently in this Chamber, and sometimes in terms that are as broad as humanity, which is correct; but we do not always emphasize just what general public is meant in connection with a problem of this character.

Men and women of a certain age exercise political power in this country, but do not constitute all of our population, perhaps not 50 per cent of it. Those under age and the stranger within our midst, temporarily or permanently, constitute as well a part of the general public. In other words, every man, every woman, every child within the limits of the American Republic has an interest in transportation, is in some degree dependent upon it, and must in some degree suffer in proportion as this element is interfered with or fails to function.

It is an old but true aphorism that the welfare of the people is the supreme law. It is a law, Mr. President, so supreme that it overrides constitutions and statutes whenever the latter fail to accomplish that end. A supreme law is a law over everything, like the law of self-preservation, and that supreme law demands the interchange of commodities, the constant movement of trains and of vessels, so that our active physical life may at all times and everywhere be given the proper consideration and attention.

If I am right, then by it we must measure our duty to the public in the enactment of this bill, and wherever any interest, I care not how extensive it may be, conflicts with that supreme one, and they can not be reconciled, it must give way in the public interest to the extent that such interest makes it necessary.

In legislation of this sort, what are the elements? First, the great body of the people, as I have said, and, secondary to that, these other elements—ownership, management, operation. I do not state them in the order of their importance. They are equally important. They are like faith, hope, and charity. We must name them consecutively, because we can not name them otherwise. But they are equally important, and none more so than the other.

The owners of the railroads have demanded certain things from our committee. They are not satisfied with this bill. Away down in their hearts many of them would like to go back to the good old days, when the ownership of the railroad, represented by its officials, dictated the terms to that section of the country subject to their distribution, and consequently to their domination. Management is not satisfied, because management sees in Government control the imposition of limitations, to them perhaps disastrous in their operation, but in any event interfering with their free exercise of discretion.

The great body of individuals whom we call the employees are not satisfied, because they contend for the right to operate the roads or not as they may see fit, their action being determined by what they conceive to be their interests at any particular time.

Here, then, Mr. President, are three elements entering into the matter of actual operation which we can not hope to satisfy, no matter what we do. Unfortunately their relations are not always cordial, although frequently cooperating. But each of them possesses an element of interest which in its judgment should predominate over the other elements, and unless they so predominate they feel and fear, with greater or less conviction, that injury or possible disaster may come to them.

Mr. President, we can not divorce ourselves from sympathy or prejudice, or both, toward one or more of these contending elements. Human nature is not sufficiently perfect to enable any man to act with strict impartiality regarding great questions of this kind, no matter how earnestly and honestly and seriously he may endeavor to do so. We must make allowances for the frailties of human nature, and it is for that reason that practically all legislation must be compromised.

But we can reason together in the effort to do the best we can for everybody interested, and if we fail after such effort we will at least have the consolation of knowing that we did our best.

That brings me, Mr. President, to an immediate consideration of the subject matter of this amendment. It is directed to a scheme of proposed legislation which is deemed essential to the constant operation of an indispensable system and to enforce a duty resting upon the employee in the discharge of his portion of the general scheme for the welfare of the public. It declares strikes to be unlawful, and, prohibiting them, it seeks to provide machinery whereby the rights of those affected can be safeguarded nevertheless.

Mr. President, if we have no right to do it, or if by doing it we trench upon the fundamental, inalienable rights of the individual, as guaranteed to him by the laws and Constitution of his country, then, without regard to the consequences to the body politic, I presume we should not do it. But if, on the other hand, we are guilty of no such transgression and are at the same time convinced that this, or something which is its equivalent, must be done if the well-being of the country is to be safeguarded, then, in my judgment, we fail in the discharge of our duty if we fail in affirmative action.

It has been said, Mr. President, by a number of Senators, and frequently insisted outside of the Chamber, that the right to strike is an inalienable one, or, as some express it, an inviolable

one. If by that is meant the right to work or not to work, I concede it, although we have laws in almost every State of the Union punishing men for vagrancy. We are told by Holy Writ that in the sweat of his brow shall man eat bread, and our forefathers in legislation, taking that literally, provided punishments for those who were without employment and had no visible means of support. Unfortunately, such laws have been very largely honored in the breach rather than in the observance for some time, and convictions for vagrancy are few and far between. I mention it, Mr. President, as emphasizing the proposition that even the right to refrain from work is not an inalienable right, but is measured and limited by the dependence which refraining from work brings to the individual and makes him a burden on society.

But I concede that there is not, there should not be, and there can not be, a law in America requiring a man to work if he does not want to. Nor can there be a law to restrain a man from working when he does want to; although unhappily in practice we know that all over the country and for years past men have been prevented from working, men have been mutilated for working, men have been murdered for working, their only offense being the exercise of the right of an American citizen. That is an inalienable right, also, and one which it is the duty of the legislator and executor to protect at all times quite as much as the other.

Whether a strike is an inalienable right, Mr. President, depends upon what we mean when we use the term.

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. STANLEY. I am very much interested in what the Senator is saying and only regret that a greater number of the Members of the Senate have not given the attention to this debate which he has. Its importance justifies it. I think at this point the Senator from Colorado has struck the crux of the whole controversy. It is what Lord Bacon would call a legomica. It arises from a misunderstanding of a term that is capable of two contradictory interpretations.

The trouble is that the term "strike" to one man means an entirely different thing from what it does to another, and I wish to call the Senator's attention to a very apt definition of strike as given by Sir James Hannen, in the case of Farrer against Close.

Mr. THOMAS. The Senator is reading from the Arthur case?

Mr. STANLEY. Yes.

Mr. THOMAS. I shall refer to that in a moment.

Mr. STANLEY. He says:

I am, however, of the opinion that strikes are not necessarily illegal. A strike is properly defined as a simultaneous cessation of work on the part of workmen.

Do I understand the Senator from Colorado to claim that a simultaneous cessation of work on the part of workmen doing a strictly personal service, whether the master be delegated to operate a public common carrier or a mill, should be punished as an offense carrying the opprobrium that imprisonment always carries, if it goes no further than the negative act of refusal further to assist in the movement of interstate commerce?

Mr. THOMAS. I might answer that query Yankeelike, by asking if the Senator ever knew of such a strike in all his existence, but I will not do that.

Mr. STANLEY. I am perfectly willing to answer that question.

Mr. THOMAS. Very good.

Mr. STANLEY. There are a great number of so-called strikes in which there has been practically no breach of the peace or interference with nonunion labor. The late strike in the coal industry, bad as it is, has been remarkably free from such a thing. But I am perfectly willing to admit exactly what the Senator claims, that the right—and I believe it is a right, and Justice Harlan in the Oakes case says so explicitly—of workmen to simultaneously cease or quit the service of their employer is seldom unaccompanied by indefensible acts of injury to private property and to the persons of volunteer workmen not within the organization. I am of the opinion that that is the line the law should draw and that the courts should draw.

I am of the opinion that any interference with persons engaged in interstate commerce, either by a combination of workmen or by individuals, is an offense in the nature of an insurrection, a blow at the public good rather than at personal property and personal interests, and that any interference whatever with the voluntary employees or with the property of a common carrier should be subject to much heavier pains and penalties than like offenses against a private individual or private property. I believe that the law should be drawn with that idea in view, and I believe that any act like the present act—and I think the Senator from Colorado, with his splendid power of analysis, will agree with me—that scrambles and conglomerates this simultaneous cessation from employment with acts of insurrection and violence, is necessarily abortive and impotent, because if it is severe enough to punish these breaches of the peace and these criminal interferences with the movement of interstate commerce, it is too severe to be inflicted upon a mere cessation from employment, and if such a cessation is an offense such penalties as may be inflicted upon that offense would be too weak to deter bold and desperate criminals who would attempt to assail conductors and firemen or to blow up bridges and dismantle engines.

I hope the Senator will differentiate in that line, and I bespeak his cooperation and his able assistance in securing legislation that does make this necessary and essential discrimination.

Mr. THOMAS. Now, Mr. President, I shall try to answer the Senator's question directly. First, let me say that his definition, like all definitions of a word so comprehensive in its character, is not, in my judgment, complete, although I am perfectly willing to concede that it is as complete as any.

My answer would be, and I base it upon the decision from which the quotation was made, that if the strike which the Senator supposes is a spontaneous affair and goes no further it is beyond the power of the statutes to regulate. But if it is one of the overt acts of a conspiracy or agreement to strike for the purpose of accomplishing some common object, then it does fall within the powers of the legislator to provide against, just as any other conspiracy.

Mr. STANLEY. I did not wish to interrupt the Senator again——

Mr. THOMAS. I yield.

Mr. STANLEY. But right at that point I think he has probably come to a conclusion on such legislation. There is this difference between the law of conspiracy as commonly applied or between the application of the law to those cases to which the authors of the law originally tended and its necessary application to modern conditions.

The law of conspiracy as originally framed—and it is wise, as all laws that are as old and established by the experience of courts and centuries are wise—in the main meant to reach all parties who cooperated in some illegal act. If any number of men agreed to injure the person or property of another, commit some breach of peace, some fairly ascertainable or admitted wrong, then the law could be applied with justice whether the parties are the immediate actors or whether they render some collateral assistance.

But here is the basic difficulty, and I have given it some thought, about the application of the broad and generally just principles of conspiracy to organizations of this character. Here is an organization of 2,000,000 men, in the nature almost of a corporate organization. They are separated by thousands of miles. They comprise every character of citizenship. A vote is taken among 300,000 conductors and firemen and engineers, we will say, that unless certain conditions are met they will all quit work.

Those men are notified in California, in Florida, in Maine, that the head of the brotherhood, the competent and authorized executive, has directed every engineer to leave his cab at a given hour, and 300,000 men quit. In the city of Pittsburgh a hotheaded railroader, resenting that some volunteer or scab, as he calls him, is going to take charge of his engine, hits him with a club. If you apply the law against the conspiracy, as the Senator is now applying it, every man engaged in railroading in the United States is guilty of participating in that assault and in law he is guilty, and yet the Senator from Colorado knows and I know that neither the conscience nor the common sense of the American people will permit the infliction of the punishment which the law authorizes, with the inevitable result that the law is brought into disrepute.

It is true, as the Senator has so well said, and he is usually right, that strikes have an almost universal concomitant of lawlessness and violence; but the people who engage in the strike are the multitude in many cases and those who commit the occasional acts of violence are irresponsible individuals, who, as a rule, indulge in this character of lawlessness which is utterly indefensible and in opposition to the desire and the purposes in many instances of the very men who order the cessation of employment.

For that reason, in my humble opinion, it is absolutely necessary in this effort to protect the movement of interstate commerce, and in that I join most heartily with the Senator from Colorado, that sound legislation be drawn—it must be drawn; it is not a difficult thing to do—differentiating between the pains and penalities inflicted upon those who affirmatively interfere

with the movement of commerce, and those inflicted against those who obey the order of some superior officer in simply desisting from employment. The bill, to my utter amazement, having failed everywhere else, as it ought to fail, has made a discriminating, unwise, indefensible hodgepodge and scramble of these simple distinctions.

Mr. THOMAS. Of course, I do not agree with the Senator from Kentucky as to the effect of the law in the instances to which he refers. I am painfully aware, as all men must be, that conspiracies of any sort may become broad enough to ripen into riots, riots into insurrections, insurrections into rebellions, rebellions into revolutions, if they are successful. If the Senator's argument, therefore, be a cogent one, it would seem that whenever the act sought to be prevented is participated in by a very large number of people, some other method of legal solution should be sought for and applied. I think that may be true. I do not know whether this legislation will prove practically operative at all times. Frankly, I have my doubts about it, for several reasons. I had intended to have spoken about that later, but I might as well do so now.

In the first place, there is the physical power of the organizations, which, as the Senator says, are scattered all over the United States. That power may be exercised in many ways, and effectually. Then there is the political power of the organizations, the one power to which Members of Congress are inclined to bow at all times, if they can only discover where it is and whither it tends; and that is local as well as national in its operation and influence. Then, again, there may be the impossibility of the application of any system or scheme of laws to vast numbers of men determined to disregard it. Resort must be had to the ultima ratio of all governments, which is force. However, must we because of these possibilities shrink from the performance of our duty here in the enactment of such legislation as seems to be all we can accomplish to keep these great avenues of transportation open and constantly in operation? If the Government can not do that, it is a failure, because unable to perform one of the public obligations resting upon it and which it must discharge or abdicate.

What would be thought of a provision in this proposed law which even directly permitted the owners of the railways to cease operating their trains upon them? What would be thought of any government that would permit the owners to announce a certain schedule of rates and to serve notice upon the public that unless such rates were accepted on the first day of the following month all trains upon the system would cease operation until they were accepted? What would be thought of a scheme of legislation which should interpose no obstacle between that sort of a conspiracy and its consummation by permitting the defaulting company to interfere with and prevent others from operating trains upon the roads, whatever the necessity?

The statement of a query of that kind is its own answer; and yet the Government has as much right to permit that sort of interference as to permit any other interference that would succeed in paralyzing the functioning of the great system of transportation so necessary to all the people and every section of the country. If the operation of that system is an absolute public necessity, if transportation is a governmental function, and if we can neglect it in one direction whereby it comes to naught, we can neglect it in all directions whereby it comes to naught.

There is a difference between an employee and the owner of a road, of course; there are many differences; there are some fundamental differences; but in the combination of ownership, management, and operation they are all engaged in the performance of a common duty to the public, just as is the general commanding the Army, the department having upon its shoulders the duty of furnishing equipment and supplies, and the soldier who goes into the trench and fights the battle. The private who fails his country in such an exigency is shot; so is the officer, and so is the commander. It is because they are all engaged in the highest of all duties, that of fighting the battles of their country. This is analogous; and no organization of capital or of individuals can be exempt from the authority of the Government and disregard its needs with impunity without bringing that Government into humiliation and failure.

Mr. President, I think that the provisions of the bill to which the motion of the Senator from Kentucky [Mr. STANLEY] is aimed must have been framed in strict accordance with the decision of Mr. Justice Harlan in the Arthur-Oakes case. That case has been cited by the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Kentucky [Mr. STANLEY] as an authority in opposition to these features of the propsed law. It has also been cited as stating the law upon the subject; and in that I agree, although I have no doubt there are many other decisions equally valuable, some of which may perhaps differentiate from this. In this case the trial judge, at the instance of the receiver, issued an injunction which restrained the employees of the company from doing certain things, which I need not read.

Among the things which they were restrained from doing was—

> From combining and conspiring to quit, with or without notice, the service of said receivers, with the object and intent of crippling the property in their custody or embarrassing the operation of said railroad, and from so quitting the service of the said receivers, with or without notice, as to cripple the property or prevent or hinder the operation of said railroad.

Afterwards a second writ of injunction was issued, which not only repeated the substance of the prohibition which I have just read, but also prohibited the employees—

> from ordering, recommending, approving, or advising others to quit the service of the receivers of the Northern Pacific Railroad Co. on January 1, 1894, or at any other time.

The appellants were the chief executive officers of the Brotherhoods of Locomotive Engineers, Railway Conductors, Firemen, Telegraphers, Railway Trainmen, and the Switchmen's Mutual Aid Association. They did not seek to avoid the injunction, but only to modify it by striking from both writs the words which I have read. The motion was in writing, and the court granted it by modifying the second writ of injunction. Then an appeal was taken to the court of appeals, and a decision was rendered by Mr. Justice Harlan granting the motion.

Mr. KIRBY. What is the volume?

Mr. THOMAS. Volume 63, Federal Reporter, the case being entitled "Arthur against Oakes." The Senator will find the case beginning on page 310.

I share fully the eulogy pronounced by the Senator from Kentucky upon this distinguished justice, than whom no abler, wiser, nor more patriotic man ever sat upon the Supreme Bench of this or any other country. I read one or two extracts from his decision not heretofore presented:

> It will be observed that the motion of the interveners does not question the power of the court to restrain acts upon the part of the employees or others which would have directly interfered with the receivers' possession of the trust property, or obstructed their control and management of it, as well as attempts, by force, intimidation, or threats, or otherwise, to molest or interfere with persons who remained in the service of the receivers or with others who were willing to take the places of those withdrawing from such service.

Whatever the reason may have been, the defendants acquiesced in that part of the writ of injunction.

> But it was contended that the circuit court exceeded its powers when it enjoined the employees of the receivers "from combining and conspiring to quit, with or without notice, the service of said receivers, with the object and intent of crippling the property in their custody or embarrassing the operation of said railroad, and from so quitting the service of said receivers, with or without notice, as to cripple the property or prevent or hinder the operation of said railroad."

Then the court continues:

> If an employee quits without cause and in violation of an express contract to serve for a stated time, then his quitting would not be of right, and he would be liable for any damages resulting from a breach of his agreement, and perhaps, in some states of case, to criminal prosecution for loss of life or limb by passengers or others, directly resulting from his abandoning his post at a time when care and watchfulness were required upon his part in the discharge of a duty he had undertaken to perform.

The court then decides what is called the vital question. That portion of the decision has been read into the RECORD by other Senators. Then the court proceeds:

> The right of an employee engaged to perform personal service to quit that service rests upon the same basis as the right of his employer to discharge him from further personal service. If the quitting in the one case or the discharging in the other is in violation of the contract between the parties, the one injured by the breach has his action for damages; and a court of equity will not, indirectly or negatively, by means of an injunction restraining the violation of the contract, compel the affirmative performance from day to day or the affirmative acceptance of merely personal services.

The court, speaking of the evils which may result from that application of the law, then says:

> But these evils, great as they are, and although arising in many cases from the inconsiderate conduct of employees and employers, both equally indifferent to the general welfare, are to be met and remedied by legislation restraining alike employees and employers so far as necessary adequately to guard the rights of the public as involved in the existence, maintenance, and safe management of public highways.

And that is precisely what the labor sections of the bill propose to do. They are applicable alike to employers and employees. Those who framed the bill evidently accepted the law as laid down by this eminent justice.

He continues:

> In the absence of legislation to the contrary, the right of one in the service of a quasi public corporation to withdraw therefrom at such time as he sees fit, and the right of the managers of such a corporation

to discharge an employee from service whenever they see fit, must be deemed so far absolute that no court of equity will compel him, against his will, to remain in such service—

And so forth.

"In the absence of legislation to the contrary!" Now, the committee in framing this bill propose to legislate upon the subject, to prohibit the employee in the one direction and the employer in the other from doing those things which will interfere with and imperil the public welfare.

How such legislation can be unconstitutional, how it can interfere with any absolute, inalienable right, in view of what the law is, as declared by one of its greatest interpreters, passes my comprehension. It says to the owner of the road: "You shall not arbitrarily discharge your employees. You shall not refuse to operate your road. You must continue the performance of this public duty which has been delegated to you by the Government at your request." It says the same thing to the employees. If that is not an effort to dispense equal and exact justice to every element entering into this complicated character of service, then I am unable to understand the English language.

Mr. President, I must define a strike by our own experiences concerning them. We may be satisfied with abstract definitions, but we know what strikes are in practice, and it is the practice at which the law must aim, and that practice necessarily, to be successful, involves the exercise of force, positive or negative, or both. Without such exercise, the man who does not want to strike or the man who wants to work would not be interfered with, and if they are not interfered with the strike *is apt* to be a failure. You might as well talk about a peaceful revolution in Mexico as to talk about a peaceful strike, especially if it possesses any dimensions. And when we consider that there is no resulting damage, no available remedy to the injured party which he can assert and enforce successfully in a court of justice against those thus acting, the need of restraint would appear to me the more absolutely essential.

No labor organization of which I have any knowledge is incorporated. The associations are voluntary. What they do, therefore, they do without those attending responsibilities which the law imposes upon organized effort, incorporated effort, or by individuals who can respond in damages. It is true the Supreme Court of the United States, in the Danbury Hat case, enforced a judgment obtained by the hat company against a certain body of men who struck, and who sought, and sought successfully in some degree, to prevent the continued operation of the factory against which the strike was directed; but every judge connected with that decision has been the subject of the severest personal criticism and in some instances of personal abuse by the organizations as a violation of their inalienable rights and as inflicting upon them great, cruel, and unjust burdens. Generally speaking, men are so certain that recovery is impossible that they take their losses and say nothing about it.

Away back in 1886 Congress passed a law regarding national trade-unions. That law now constitutes sections 8908 to 8912, inclusive, of the Revised Statutes of the United States. It extended to trade-unions the right and privilege of incorporating, and, of course, the right carried with it certain responsibilities. The law has been a dead letter. Organizations have not sought to take advantage of it, because they could then be held, like other people, responsible for violations of the law and for the infliction of injury upon others. They prefer immunity from the consequences of wrongdoing.

Suppose, Mr. President, that some operator should bring suit to-morrow against that particular union in his immediate vicinity, belonging to the United Mine Workers of America, for the loss and damage inflicted upon him in consequence of this strike: How far would he get with it? Where would he find a jury possessed of a sufficient sense of independence, freedom, and exemption from the influence of the great body of the organization to respond in damages? Take the strike against the steel company or companies. I am not just now interested in the justice or injustice of that strike, but I do know that some property was destroyed by those engaged in that movement. How long would a suit in the city of Youngstown or Pittsburgh last if brought against Mr. Fitzpatrick and Mr. Foster, or the organizations which they represent, for damages? Possibly a judgment might be obtained; unquestionably the law should give it, upon the general principle that there should be no wrong without a remedy; but no such remedy exists except in the abstract, and the man resorting to it will generally have his expenses for his pains.

The Adamson law was enacted upon the eve of a Nation-wide strike of railroad trainmen of all kinds. Suppose it had been put into operation: It would have tied up the country, with the resulting great loss to individuals, companies, and sections of the community. But where was any redress? If the railroad companies determine to suspend operations until their ideas of a tariff rate shall be accepted by the public, a remedy exists. Suits may be brought against them and their property may be taken under execution to satisfy any judgment obtained; but not so with the organization. Hence, if I am right—and I think I am—there is all the more need for preventive legislation, if such legislation can be enacted and afterwards enforced.

The Senator from Kentucky [Mr. STANLEY] says that the brotherhoods are composed of our best American citizenship, and that is true. He says they represent virtually the aristocracy of labor, although I do not know that he used that identical expression; but that is true. He says they are made up of law-abiding citizens, and that I cheerfully accept. Therefore, he says, there is no need for legislation of this kind. But, Mr. President, I do not think that follows at all. Men do collectively, and particularly where there is no corresponding liability, many things that they would not do individually. We do know that the men belonging to these brotherhoods were ordered out in 1916. We do know that some threats were made about the time the last demand for a raise was being considered. Justice requires the statement that they were explained and corrected by the leaders shortly afterwards, but they were made. We know that certain local strikes took place, notwithstanding the action of the leaders, notably at Los Angeles and afterwards at Kansas City. We know that according to the latest estimates the coal strike inflicted a loss upon the country of $260,000,000, and that is wiped out. I might retort and say that if none of these bodies expect to quit work, then this law will not hurt them; it will be perfectly innocuous. But there are other organizations besides those mentioned which have to do with transportation, whose establishment is of recent date, and whose actions up to this time we do not know much about. My experience is that the tendency to strike, and to strike is a tendency that is growing progressively in this country.

I have here a statement, to which I will refer for a moment, bearing upon that proposition.

The total number of labor strikers between the date of our declaration of war and the date of the armistice in this country was 2,386,285. Now, when we consider that the total number of men sent to France was 2,053,347, it follows that the army of strikers during that period exceeded the army of fighters during that period by about 350,000 men; and that was a time, Mr. President, when the energy and the labor of every citizen was sadly and sorely needed, when every impulse of duty and patriotism combined to keep the home fires burning, that the boys across the sea might need nothing essential to their supreme and heroic task, notwithstanding which these are the appalling figures.

I am not now discussing the justice or the injustice, the wisdom or the unwisdom, of these strikes. I know many of them were called to force the Government to pay higher wages, and some of them were doubtless due to the need of improved conditions. Since the war we have had a perfect carnival of strikes in this country, some of them of huge dimensions, nearly all of them attended to a greater or less degree by violence and the destruction of property, and every one of them menacing, more or less seriously, every American citizen desiring to continue to work or to take the place of some of these men. Some time ago I received a letter from an ex-member of the American Expeditionary Forces in San Francisco. He said the men who struck in the shipyards had gone to work in other avenues of industry, while he and others who wanted work were not permitted to take their places because they did not receive the protection which the Government of the United States should give them, and without which their lives would be in jeopardy the moment they attempted it.

Mr. President, when face to face with these conditions and confronted by the duty of seeing to it that such legislation as we enact must be effective and keep the roads going, I am unable to vote for the motion to strike out these provisions, and particularly since the Senator making it has nothing better to offer. The Senator asked me a few moments ago if a spontaneous strike of men was a right with which we could interfere. I responded by asking him if he ever heard of such a strike. He said he had occasionally; but admits that without the element of potential strength or force behind them they must prove a disappointment, a failure.

Upon this subject, Mr. President, I quote an author who was a member of a trades-union himself, whom the labor elements of the United States justly regard as a patron saint, and who had one of the keenest and most analytical minds of any man of his generation. I refer to Henry George, the author of

Progress and Poverty. He had occasion, when running for mayor of New York, to indite a letter to Pope Leo XIII. What inspired the letter I do not know, but trades-unionism was its subject, and this is what he said:

While within narrow lines trades-unionism promotes the idea of the mutuality of interests, and often helps to raise courage and further political education, and while it has enabled limited bodies of workingmen to improve somewhat their condition, and gain, as it were, breathing space, yet it takes no note of the general causes that determine the conditions of labor, and strikes for the elevation of only a small part of the great body by means that can not help the rest.

Aiming at the restriction of competition—the limitation of the right to labor—its methods are like those of the Army, which even in a righteous cause are subversive of liberty and liable to abuse, while its weapon, the strike, is destructive in its nature, both to combatants and noncombatants.

To apply the principle of trades-unions to all industry, as some dream of doing, would be to enthrall men in a caste system. Union methods are superficial in proposing forcibly to restrain overwork while utterly ignoring its cause and the sting of poverty that forces human beings to it.

And the methods by which these restraints must be enforced multiply officials, interfere with personal liberty, tend to corruption, and are liable to abuse.

Labor associations can do nothing to raise wages but by force. It may be force applied passively, or force applied actively, or force held in reserve, but it must be force. They must coerce or hold the power to coerce employers; they must coerce those among their own members disposed to straggle; they must do their best to get into their hands the whole field of labor they seek to occupy, and to force other workingmen either to join them or to starve.

Those who tell you of trade-unions bent on raising wages by moral suasion alone are like people who tell you of tigers that live on oranges.

Labor associations of the nature of trade guilds or unions are necessarily selfish; by the law of their being they must fight, regardless of who is hurt; they ignore and must ignore the teaching of Christ, that we should do unto others as we would have them do to us, which a true political economy shows is the only way to full emancipation of the masses.

I wish that thought could be driven into the hearts and minds of every man and woman in this country. He continues:

They must do their best to starve workingmen who do not join them; they must by all means in their power force back the "scab," as a soldier in battle must shoot down his mother's son if in the opposing ranks—a fellow creature seeking work, a fellow creature, in all probability, more pressed and starved than those who bitterly denounce him and often with the hungry, pleading faces of wife and child behind him. And in so far as they succeed, what is it that trades guilds and unions do but to impose more restriction on natural rights; to create "trusts" in labor to add to privileged classes other somewhat privileged classes; to press the weaker to the wall?

I speak without prejudice against trades-unions, of which for years I was an active member. I state the simple, undeniable truth when I say their principle is selfish and incapable of large and permanent benefits, and their methods violate natural rights and work hardship and injustice. Intelligent trades-unionists know it and the less intelligent vaguely feel it.

Mr. President, if I had uttered those sentiments, I would be characterized as an enemy of organized labor, which I am not. But we must recognize that it is based upon a selfish principle, just as an organization of vested interests is based upon a selfish principle, and should therefore be subject to the same controlling legal influences. Organizations of men and organizations of property differ but little in these days in their ultimate purpose. I have spent a great part of my life in fighting the one. I can not accept the practices of which they are guilty because they have been adopted by other sources for different reasons. We do know that unionism does tend to exclusiveness, and the extent to which that exclusiveness may go in the long run no man can tell.

I have a clipping here which does not relate to an entirely isolated case, which, nevertheless, vividly illustrates, as Mr. George says, the exclusive and selfish and forcible character of the general movement.

Mr. Foster expressed Mr. George's idea regarding the scab more forcibly and perhaps more logically when he said that a man might rob, he might steal, he might violate all of the laws of the country, and be pardoned; but if he went to work during a strike to earn an honest living he should be exterminated like vermin. It is true that when asked what he meant by that statement he said he meant to educate him; a conclusion which men may or may not accept.

I read a clipping from the Literary Digest, and typewritten, by the way, because a number of pressmen's organizations in New York, in violation of their contracts, did not strike, but went off on "a long vacation." This clipping reads:

MR. MURPHY, THE UNION, AND HIS PORCH.

"May I not paint my own porch?" asked a Chicago citizen named Murphy a few days ago. "You may not," promptly replied the painters' union of the Windy City, and forthwith proceeded to levy a fine of $50 on Murphy as a penalty for such painting as he already had done. Being true to the type indicated by his name, Murphy refused to pay the fine, and, according to the Chicago Tribune, "upon his refusal to pay this criminal demand he was slugged." The Tribune's attention was first called to the episode by the receipt of a letter from Murphy's daughter, in which the circumstances were related. After publishing the letter in the department of the paper known as the "Voice of the people," the Tribune received a number of other letters from persons who expressed themselves in regard to the incident. These were also published in the "Voice of the people." We reproduce three of them herewith. The first, after registering its writer's objection to the interference of the union, relates another instance of such interference. The letter says:

"It seems we can neither paint our own porches nor mend our own plumbing without being threatened with violence, and in many instances receiving it from the trade-unions with whom the officials do not care to stir up trouble when violence has been done to individuals. Who is this czar that can infringe upon our most sacred right, personal liberty, and regulate our affairs in our own home?

"Yesterday a janitor stopped a woman's maid who was washing the windows of her apartment, as he said that was the union window washers' work, who came around once a week and charged 20 cents a window. There are 15 windows in her apartment. She was timid and complied with his demand."

The second letter is written by a man who defends the action of the union in these quite outspoken words:

"In the Voice of the People you begin to talk up Murphy as if he was a martir the same as some other cases you butted in this town of Chicago to a union town and after union agents have raised wages up where they are who told you to but in and take a side with scabs that go to painting their own jobs instead of giving out the job to regular union men. Let any man mind his own jobs in his own trade and not try to hoggit all. The common people ant going to stand much longer for one man holding out against organized labor in defying its rules. All wealth is labor and nothing else when Murphy painted his own job he stole the laboring mans wealth. You say has a man got a right to paint his own house and the union says no and means it. Murphy didnt have no right to lay a brush on that job and if he did go to buy that shack he didnt have no right.

"Yours for unionism honest pay freedom Americanism 6 hours day and liberty."

Mr. President, I knew of two such occasions in the town of Goldfield, Nev., away back in 1906, when the I. W. W. was in its infancy. Nobody defends these things openly, except such gentlemen as wrote to the "Voice of the People." But in practice, Mr. President, the progress has been constantly toward that identical end, and because legislators are timid about enacting laws for the protection of the individual, and because courts and juries are timid about enforcing the laws which we have, the point has been reached where it is declared that no laws can be passed upon this subject because striking is an inalienable right, and men high in authority announce in advance of their enactment that if they are placed upon the statute books they will be openly defied and flouted. If that is the situation, if we have reached that point, then it is only a question of days, Mr. President, when the nongovernmental organizations will possess the political and temporal power of the country, when they might just as well take possession of the Government and operate it in the exclusive interest of a part only of the great body politic. But if, on the other hand, the institutions of the country are to be protected, the Government is to perform its duty to the people whose servant it is, and the avenues of transportation are to be kept open and continued, it behooves us to assert what little power we have left and make an effort at least to perform our duties to the people who sent us here.

In considering a question of this kind we must not forget the extreme need, as I have heretofore emphasized, of the 110,000,000 people. Since the steel strike I have received many letters from farmers, not only in my own State but many others, asking why the Congress did not meet the difficulty, protesting against the extreme to which certain elements of organized labor were proceeding, and realizing that they were as much concerned, perhaps more concerned, as to results as any other class of the people, for there must be an eternal conflict between the producer and the consumer when a portion of the latter insist upon high compensation and a low price of living. The two are absolutely irreconcilable.

It is supposed, and for years it was a fact, that there was no such thing as a right without accompanying responsibility. The privilege which a man enjoyed was accompanied by corresponding duty, which limited it and was inseparable from it. He who claimed the exercise of any right was very properly required to recognize the limitations of the responsibility. I have a right under the rules to speak in the Senate all the time——

Mr. ASHURST. The Senator exercises it.

Mr. THOMAS. The Senator from Arizona says I exercise it. That may be true, but every other Senator, including the Senator from Arizona, has the same right. If it be true that I have exercised it, then I have trespassed upon the rights of the Senator from Arizona and upon the rights of every other Senator.

Mr. ASHURST. The Senator, when he exercises that right, is always exercising it for the good of the country and the delight and interest of the people and his colleagues.

Mr. THOMAS. I thank the Senator for the compliment, but I am merely illustrating in a homely way what should be an obvious fact. That right is not unlimited in its actual operation, for otherwise it would destroy the prerogatives of the other 95 Members of the Senate.

I have a right to use the streets, even with an automobile if I were rich enough to possess one, but I have no right to use

it so as to interfere with the rights of my neighbor. He is frequently run over, and the man who runs over him recklessly and deliberately should be shot on sight; but he is exercising the same kind of a right when he does it that many exercise who are to-day clamoring for rights and at the same time evading or ignoring their responsibilities.

These provisions of law are merely designed, however inoperative they may be, to regulate rights limited by responsibility and obligation.

Moreover, Mr. President, under the requirements of the situation, and I pass now briefly to another part of the bill, we are required to return the roads in practically as good condition as when we got them.

The Senator from Alabama called attention to the fact that in the item of wages alone we have increased the expense of transportation since Government possession by a billion dollars and when the roads go back that added burden goes with them. No man is insane enough at present to think about a reduction of wages and particularly a reduction of the wages of the men who are employed in railroad operation. I am not attacking these rates, for frankly the impression that the railroad employees of the country were the best paid of our employees before the war is a mistaken one. I have here an extract from an official statement issued by Mr. McAdoo on that subject when he was at the head of the Railroad Administration, and I ask leave, without reading, to incorporate it in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objections, it is so ordered.

The statement referred to is as follows:

Report bipartisan commission appointed by Secretary McAdoo January 18, 1918, Secretary Lane, chairman:

"It has been a somewhat popular impression that railroad employees were among the most highly paid workers. But figures gathered from the railroads disposed of this belief. Fifty-one per cent of all employees during December, 1917, received $75 per month or less. Even among the locomotive engineers, commonly spoken of as highly paid, a preponderating number receive less than $170 per month, and this compensation they have attained by the most compact and complete organization handled with a full appreciation of all strategic values. Between the grades receiving $150 to $250 per month there is included less than 3 per cent of all the employees (excluding officials), and these aggregate less than 60,000 men out of a grand total of 2,000,000. The greatest number of employees on all the roads fall into the class receiving $60 and $65 per month—181,693; while within the range of the next $10 in monthly salary there is a total of 312,761 persons. In December, 1917, there were 111,477 clerks receiving annual pay of $900 or less. In 1917 the average pay of this class was but $56.77 per month. There were 270,855 section men whose average pay was $58.25 per month; 130,075 station service employees whose average pay was $58.57 per month; 75,325 road freight brakemen and flagmen whose average pay was $100.17 per month; and 16,465 road passenger brakemen and flagmen whose average pay was $91.10 per month."

Mr. THOMAS. The statement shows that the average wage paid before the Government assumed charge of the railways was very much below the cost of living, very much below. The men were obliged, in view of existing conditions, to ask for, and it was but just that they should have received, the increase. The difficulty, however, with the increase is that it was not properly distributed. Some men are paid inordinate wages and others are not paid wages enough. I do not know what the system was; in fact, I do not think there was any system. It seemed to be a haphazard condition based largely upon classifications of employment. Here is one of the instances of the unwise and improvident distribution of wages:

A Wabash Railroad water tank, operated by electricity, is tended by a farmer, who turns on the switch in the morning, works all day at his own business, and turns the switch off at night. For this he was formerly paid $20 a month. Under the Government Railroad Administration he was classed as an electrician, his time was figured for the entire day, and he was allowed $300 a month and given over $2,500 back pay.

I have no doubt this gentleman is very anxious to continue the roads in the possession of the Government and that there are many others who have similarly been discriminated in favor of who naturally feel that way.

But, Mr. President, we are running behind in the operation of our roads to the extent of millions upon millions of dollars every year. We have been told that in addition to the liabilities of the railroad companies to the Government, and for which they must have time for settlement, there is a deficit of some $600,000,000 to $650,000,000. That is for two years. If we keep the roads two years longer the chances are ten to one that the deficiency will progressively increase, because there will be other demands for advances in wages, and so forth, and with each of these demands, production being a diminishing quantity, there will be a corresponding increase in the deficiency.

Is it to the interest of the millions of taxpaying Americans to continue the possession of the roads under such conditions any longer than is absolutely necessary? The man who pays the taxes is entitled to a little occasional consideration in Congress, although we express that consideration generally in appropriation bills. He is the man upon whom the burden of this stupendous financial responsibility directly rests.

I repeat what I have frequently said here, that we can not go on forever in our reckless management of financial affairs, rich as we are, as we are going on now. The $650,000,000 must be paid. If we keep the roads two years longer it will be $1,500,000,000 which must be paid. How shall we pay it? There is only one way, and that is to take the taxpayer and turn him bottom side up and run the money out of his pocket into the National Treasury. I wish he would organize and assert some of his rights occasionally.

We shall spend between $5,000,000,000 and $6,000,000,000 of his money during the next fiscal year. If we add to it practically half a billion dollars as another deficiency, supplement that with the demand for $750,000,000 for soldiers' bonuses, and that with the demand for $500,000,000 for good roads, I actually think that even the American taxpayer will begin to show some signs of rebellion.

Under the circumstances I want to get rid of the railroads and give them back to their owners as soon as possible, and save that drain. I want the guaranty, which under our arrangement we must give, to be limited to the lowest proportion consistent with the efficiency which we require of these concerns. I want to see production and thrift reestablished as old American virtues, for until they are reestablished we will fight the high cost of living and all our other troubles in vain.

I think this is a good step. I once thought, and thought seriously, that inasmuch as the Interstate Commerce Commission was far from successful, inasmuch as the regulation of the railway companies, try as hard as we might, was accompanied by many discriminations and many abuses, Government ownership was our last resort, and we ought to assume it as soon as possible. But if the two years of public administration is a sample of Government ownership, then may God in His infinite mercy deliver the people of the United States from its longer continuation.

The other is not a satisfactory alternative. The bill seeks, however, and I think successfully, to modify these conditions and eliminate a great many of the evils of which the people justly complain.

Mr. President, in conclusion let me say that it seems to me that those who will not accept and propose to vote against this bill, owe it to us, to the railroads, and to the country to propose a better scheme and one which will accomplish the main object with less expense and with more satisfaction to all concerned.

Mr. WILLIAMS. Mr. President, I think we are considering a practical proposition. I do not see any particular reason to get red-headed about it one way or the other. I do not see any particular reason to become Bolshevists in connection with it or to become reactionaries, either one. The world up to this date has pursued its even course, and the world, outside of immediate war conditions, has conquered a higher place every century and every generation. Labor has conquered a higher place every century and every generation by means of cooperation amongst laborers to advance their welfare. I do not see any reason why I should rise in rebellion against labor unions or against agreements amongst laborers to make their place in the world better than that place has been or now is.

Mr. President, we have just passed through a state of universal war in which men were killed and dismembered, women were starved and ravished, and children were deprived of milk at the time that they ought to have had it—a period during which the birth rate immensely decreased and the death rate increased still more immensely. I stand here as one of those men who want peace—international peace, industrial peace, every form possible of peace between man and man, with the love of God and of God's dear Son extended in an apostolic blessing upon us as we seek peace.

I am opposed to every form of contention and war, international or industrial. I am in favor of every sort of arbitration, every sort of impartial tribunal that may diminish the chances of war and increase the chances of peace.

Mr. President, I left my home this morning and came down to the Capitol in the street car. I saw the streets splendidly paved, automobiles passing by, high buildings in which were housed the men who are carrying on private industries in the city of Washington, and the great public buildings and the monuments along the way. I saw beautiful women coming into the car and going out of it; I saw strong, stalwart men coming in and going out. I said to myself: "This is a picture of the accumulation of the human race in mutual benefit and in happiness which we call civilization."

Up to this good date in the history of the world, Mr. President, that civilization, at odd and irregular intervals, has been subject

to annihilation. Barbarians came around the Caspian Sea with knives in their teeth and bridle reins in their hands.

All that Plato taught in Greece went for naught; all that Seneca taught in Rome went for naught. The barbarians conquered. While Rome went on, the world went into a state of demilunaticism for something like a thousand years.

The great Macaulay said that the only difference was that while the old race of barbarians came from the forests of Germany and from the steppes of Asia the new race of barbarians would come from the alleys of the great cities and the back sloughs of the great factories. Now, is that true or not? Have we got to meet with it or have we not? It depends upon your wisdom, upon my wisdom, and the wisdom and vision of everybody else. And, Mr. President, what does that depend upon?

Does the Senator from Colorado [Mr. THOMAS], who has just taken his seat, imagine that the only danger to world civilization to-day is Bolshevism; that the only danger is trade-unionism—a much less thing—or does he not imagine that, perhaps, a part of the danger is due to the very reaction which he has expressed; the very counter-revolution which he represents? In medio tutissimus ibis—in the middle of the way lies safety—is a wise rule for all people at all times.

Oh, Mr. President, if I just could divorce Representatives and Senators in Congress from their idea of being reelected to something, if I could just divorce their minds from senatorial or congressional or presidential aspirations, and lead them to think honestly with one another as if they were around a social board, with no especial object in mind, I could accomplish the purpose which I, at any rate, have in view.

Mr. President, what is this matter that we are discussing? I want to bring the ship back to where we can take our bearings. So much has been said about it, and so much has been said so foolishly, that it is well for us to know just what we are doing. This is the provision under discussion:

SEC. 30. It shall be unlawful for two or more persons, being officers, directors, managers, agents, attorneys, or employees of any carrier or carriers subject to the act to regulate commerce, as amended, for the purpose of maintaining, adjusting, or settling any dispute, demand, or controversy which, under the provisions of this act, can be submitted for decision to the committee of wages and working conditions—

Which is an arbitral committee established in the cause of peace, established for the purpose of preventing industrial warfare—

or to a regional board of adjustment—

A subordinate board of the same sort—

or to a regional board of adjustment, to enter into any combination or agreement with the intent substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation.

Now, mark you that—"the operation of trains or other facilities of transportation."

Mr. President, I find two sides here contending for a couple of theories, one with the view that a man has a right to combine with everybody in the world, no matter with what result to the general public, in order to stop or to hinder "the operation of trains or other facilities of transportation," the other side contending that nobody has any right to quit work—both of them equally foolish, both of them equally absurd. All that this bill says is that the employees shall submit to this chief board and to this subboard of arbitration the questions in dispute—before what? Before they "hinder, restrain, or prevent the operation of trains or other facilities of transportation."

Mr. President, this Republic contains something like 110,000,000 men, women, and children. The great city of New York, perhaps now, with its suburbs in New Jersey and on Long Island, the largest city in the world, except it may be London, contains something like five or six million people. Probably something more than one-half of that population are women and children, and one-tenth of that population are children, little babies seeking the milk bottle or their mother's breast—and under the new order of modern women, under the new civilization, they seek their mother's breasts almost in vain, and must have milk bottles. If a man comes to me and tells me that upon some theory or other he has a right to stop the transportation of milk to those babies in New York, I tell him when he says it that he is a self-confessed murderer of children. He is worse than King Herod, because King Herod did try to find out the children who were born in Nazareth, whereas these other men are not trying to find out anything about the children at all except to starve them. They care not for their parentage or birth place.

Chicago contains almost as many people as New York; Philadelphia somewhat less; Boston still less; but there is not a great city in the United States that could do without railroad transportation of milk for three weeks without starving not hundreds but thousands of babies.

Talk to me about the schemes of the Kaiser and of German barbarism! This is industrial barbarism worse yet. Talk to me about the iniquity of the Senate in defeating the league of nations! That was bad enough, but this is infinitely worse. They were both contemptible, but this is still more contemptible than the others were.

The human being whose soul can not rise, not to the point of harmony with Jesus Christ, because none of us can do that, but to the point of sympathy with His goal and His dreams and His visions, is a human soul unworthy to sit here and talk about industrial peace or industrial war or international peace or international war.

But that is all this provision means, that before they can go out on what they call a strike—which is not an individual man quitting work, but is a combination amongst various men; a strike confined to the "operation of trains or other facilities of commerce"—they must first go before one of these two boards.

Does a man tell me because he labors with his hands and I do not labor with mine, that therefore he has a right to starve babies and I have not a right to starve them?

Why should his hand thrust be any more innocent than my brain thrust? Perhaps he ought to be in my place, exercising his brain, and I ought to be in his place, exercising my hand. That is more than probably true, because, judging by the failure I have made here, he could have done better in my place, although I doubt whether I could have done better in his place.

How does this read?

With the intent substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce, or in pursuance of any such combination or agreement and with like purpose substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce; and, upon conviction, any such person shall be punished by a fine not exceeding—

What? $500—the price of 500 dozen eggs at present.

Or by imprisonment not exceeding six months, or by both such fine and imprisonment: *Provided*, That nothing herein shall be taken to deny to any individual the right to quit his employment for any reason.

Good reason, bad reason, or any reason, or no reason. The thirteenth amendment takes care of that. Congress could not interfere with it if it wanted to.

Now, let us go a little bit further.

SEC. 31. Whoever knowingly and with like intent shall aid, abet, counsel, command, induce, or procure the commission or performance—

Aid, abet, counsel, command; that is the chief word in it—

induce, or procure the commission or performance of any act made unlawful in the last preceding section hereof shall be held guilty of a misdemeanor and upon conviction shall be punished—

And so forth.

Now, Mr. President, what does it all mean? What does it all mean? It means merely that I have no right to connive with you and conspire with you or with the Senator from Utah to cut off the coal that heats the bodies of the people of America, and to cut off the milk that feeds the babies of America in the large cities, to cut off the farmers' market in the cities and the consumers' purchase of the farmers' products, without first—now, mind you, it does not say that I shall not have a right to do it, but that I shall not have the right to do it without "first leaving it to fair arbitration."

The Senator from Iowa and I have a quarrel. In my opinion the anger is unextinguishable. In his it is equally so; but your laws force him and me to go to court. I can not go out and kill him because he is outraging my utmost sensibilities, nor can he kill me for the same reason. Mr. President, above all things in the world the world must come to this. Internationally, industrially, and in every other way we *must* come to the idea that industrial and international quarrels, like private quarrels, must be submitted to an arbitration of some sort or to a court.

Even after the Senator from Iowa and I have submitted our quarrel to a court, if outside of the court and afterwards he makes himself so personally disagreeable or dangerous to me, I may kill him, and I may be cleared by the verdict of a petit jury; but I must at least have done all that was to be done in order to comply with the dictates of the world's civilization.

Now, what is the world's civilization? Merely the accumulation of the knowledge of the past generations bunched together in this generation—schools, universities, colleges, churches, pavements, buildings, private character, public laws, international treaties, all the balance of it; the accumulations of men standing upon the shoulders of other men, looking farther than their forefathers could look, simply because they have the opportunity to stand upon shoulders. It is an old saying that a

dwarf on a giant's shoulders can see farther than the giant can see.

Mr. President, I do not agree a little bit with a good deal that the Senator from Colorado has said. I have nothing against labor unions, and I do not think labor unions are threatening the civilization of this world at this time. I think certain commotions within labor unions, trying to take possession of the labor unions, are threatening that civilization; but American labor unions are taking care of that internal commotion themselves. Men have a right to combine for the purpose of advancing their wages and shortening their hours and generally ameliorating their condition and the condition of their families, and if they had not had that right this world would have been in barbarism to-day. It was the trade-unions of Great Britain, of the Anglo-Saxon parent stock, operating along the old lines of English-speaking liberty and civilization, that worked out a possible condition for labor; and those unions are going to work out a better condition from day to day and from decade to decade and from century to century. But it will not do to denounce labor unions on this floor—not even though birds of foul nesting have found temporary location there, like this fellow Foster and a few more that in my opinion will be pitched out headlong in less than three months.

Mr. President, I am not afraid of labor unions. There are none of them in Mississippi to amount to anything. I have no political reason to curry favor with them. They count for naught with me, except in so far as they are right, except in so far as they are reaching for a higher level of civilization and of human happiness.

It was Thomas Jefferson who said that the sole purpose of government was the liberty and the happiness of the citizen. I believe that, and I should be ashamed of myself in every fiber of my being if, just because I have nothing to fear politically from some particular element, I was not willing to do that element justice. I am willing to do it justice all the time; but there are limits, Mr. President, and those limits are exactly the limits that you and I must prescribe for ourselves.

The Senator from Colorado [Mr. THOMAS] very well said this afternoon that I have the right to use the street and to use it with an automobile, but I must not use it so as to run over you. That is the limit of the labor union's right, and when you come down to spell it out it means this, that capital has a right to combine and to cooperate for higher profits; that labor has a right to combine and to cooperate for better wages, shorter hours, or whatever else they think is good for their members, but that back of both of them stand the other 75,000,000 or 80,000,000 of the American people who are neither capitalists nor labor-union men, and whose voice must be heard; and that voice must be heard and shall be heard in behalf of industrial peace in every industry that deals with the necessities of life or with transportation, which is a necessity of modern industrial life.

No capitalist has the right to close down his works in order that he may make a higher profit after a while while he freezes the American people for lack of fuel. No laborer has the right to go out and shut off the production of coal at the beginning of November, when winter is just beginning, in order that he may have a higher wage or shorter hours.

When that sort of thing occurs, then these 80,000,000 people have something to say; and, as far as I am concerned, and I represent them here—and through my voice, if through nobody else's—they shall be heard; and their voice is, "A plague upon both your houses." Obey the law. "Submit your differences to just arbitrament. Leave me and my wife and my children free of murder at your hands," whether by capitalists closing down the coal mines or by labor closing them down, or whether by capital or labor, either one or both, shutting off transportation. "This thing ye shall not do. By the Eternal God that made the 80,000,000 of us, this thing ye shall not do; and if it be necessary by law, or outside of law, to make you stop it, we will make you stop it. We have the numbers, and we have the power, and we have the money, and we have everything else. Right up to the limit of your rights you shall have free liberty, but beyond that line you shall have nothing. You shall consider the liberty and the happiness of mankind beyond that line. So far as America is concerned, we 80,000,000 constitute mankind here. You shall not starve our babies, you shall not freeze our wives, whether in the name of capital or labor or in the name of any other theory, whether it be Bolshevism at the one extreme or whether it be counter-reaction at the other. That thing of starvation and murder you shall not do. We stand here in our own right, as descendants of the people who settled this country, who made it great, and we are not going to have the accumulation which this generation possesses from all the past generations destroyed, either by the selfishness of capital or by the greed of labor; and when it comes to a transportation question"—and that is all that is involved here—"you must agree that the common carriers can carry freight and can carry on the work of civilization, can carry milk to the babies, can carry fuel to the adult, until at least after you have previously submitted your controversy to a fair and impartial arbitral tribunal." Arbitration must come first.

Is that asking much? Is that asking too much? Is that asking anything of a square man from another square man? Would not the other man, if he was square, grant it beforehand? It would not be even a sacrifice. He would say, "Of course, you are right about that. I am not a brute; I am not a barbarian; I am not a dog, that I should do this thing. I am willing to do what is fair and square, and this is fair and square."

Mr. President, I am a few months over 65 years old now; I have been in public life over a third of a century. If I have had any one great purpose in public life, outside of my determination to be individually honest and fair, it has been to gain peace for the world, internationally, industrially, and in every other way. I have never hesitated to say, with old Thomas Jefferson, that "my passion is peace." International peace is very important. I would give my left arm to accomplish it. Industrial peace is still more important. I would give my right arm to accomplish that. I do not want to make an ass of myself, Mr. President, but I would give my soul to fix some scheme whereby men in their personal and international and industrial relations would submit to reason rather than passion, to reason upon a religious basis of some sort, meaning by that merely a worship of God, a recognition of God's fatherhood and the brotherhood of man, with nothing sectarian about it. I would give my soul, my very soul, to accomplish that purpose. I would go down damned through all eternity, with God's blessing, I hope, to accomplish one-tenth part of that purpose.

Yet, Mr. President, when we meet and discuss things, how do we meet and how do we discuss them? One fellow discusses them as an antilabor-union man, another as a labor-union man, another as a Republican, another as a Democrat, another as a Christian Scientist, another as a Roman Catholic, another as an Irishman, another as a pro-German, another as an American, vaunting his Americanism before everybody else's Americanism; and yet nobody willing just to surrender it all for the sake of the brotherhood of mankind, industrially, internationally, and for peace; not peace at any price, but peace upon a righteous basis, after fair and arbitral adjudication.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 484. An act to provide for the erection of a Federal office building on the site acquired for the Subtreasury in St. Louis, Mo.; and

H. R. 7656. An act to repeal the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, and to repeal all acts and parts of acts amendatory thereof, and to provide for the disposition of all property acquired under and by virtue of the same.

The message also announced that the House had agreed to Senate concurrent resolution No. 22 directing the Secretary of the Senate to enroll the bill (S. 2472) to amend the Federal reserve act, by making sundry changes in said bill.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 213) continuing temporarily certain allowances to officers of the Navy and Marine Corps, and it was thereupon signed by the Vice President.

HOUSE BILLS REFERRED.

The following bills were each read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 484. An act to provide for the erection of a Federal office building on the site acquired for the Subtreasury in St. Louis, Mo.; and

H. R. 7656. An act to repeal the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, and to repeal all acts and parts of acts amendatory thereof, and to provide for the disposition of all property acquired under and by virtue of the same.

CABLEGRAM FROM ROUMANIAN CHAMBER OF DEPUTIES.

The VICE PRESIDENT laid before the Senate a cablegram from the Roumanian Chamber of Deputies, expressing the gratitude of the Parliament of Roumania for the support ac-

corded to the Roumanian people by the Congress of the United States; which was referred to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented a memorial of the Marshall County Kansas Farmers' Educational and Cooperative Union, remonstrating against the adoption of compulsory military training, which was referred to the Committee on Military Affairs.

Mr. ELKINS presented a petition of Local Lodge No. 282, Benevolent and Protective Order of Elks, of Moundsville, W. Va., praying for the enactment of legislation providing for the suppression of bolshevism and the deportation of undesirable aliens, which was referred to the Committee on Immigration.

Mr. NEWBERRY presented a memorial of Mineral King Lodge, No. 129, Brotherhood of Locomotive Firemen and Enginemen, of Escanaba, Mich., remonstrating against the passage of the so-called Cummins railroad bill and favoring a two years' extension of Government control of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the faculty of Adrian College, Michigan, praying for the adoption of the league of nations covenant without reservations, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Scottsville, Mich., praying for the enactment of legislation granting increased pensions to veterans of the Civil War, which was referred to the Committee on Pensions.

CONSTRUCTION OF PUBLIC BUILDINGS.

Mr. FERNALD. I ask leave to submit a report (No. 336) from the subcommittee of the Committee on Public Buildings and Grounds, pursuant to Senate resolution 210 of October 11, 1919, on the cost of public buildings and operations of the United States Housing Corporation.

The VICE PRESIDENT. The report will be received and printed.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. NEW, from the Committee on Claims, to which was referred the bill (H. R. 1761) for the relief of the Farmers National Bank of Wilkinson, Ind., reported it without amendment and submitted a report (No. 338) thereon.

He also, from the same committee, to which was referred the bill (S. 2554) for the relief of J. B. Waterman, reported it with an amendment and submitted a report (No. 337) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELKINS:

A bill (S. 3564) granting an increase of pension to William S. Wilmoth; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3565) to amend section 190 of the Revised Statutes of the United States; to the Committee on the Judiciary.

A bill (S. 3566) to amend section 3 of an act entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," approved February 5, 1917; to the Committee on Immigration.

A bill (S. 3567) granting an increase of pension to Mary E. Fuller; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3568) for the construction of a complete hospital plant in the city of Memphis, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. CAPPER:

A bill (S. 3569) granting a pension to Claude H. Johnson; and

A bill (S. 3570) granting an increase of pension to Augustus E. Dodds (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3571) to establish a national bulletin; to the Committee on Printing.

By Mr. TOWNSEND:

A bill (S. 3572) to provide for the establishment and maintenance of a national highway system, to create a Federal highway commission, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. NEWBERRY:

A bill (S. 3573) to provide for a memorial in commemoration of the death of Joseph W. Guyton, the first member of the United States Army killed on German soil (with accompanying papers); to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 3574) to provide for the sale by the Commissioners of the District of Columbia of certain land in the District of Columbia acquired for a school site, and for other purposes; to the Committee on the District of Columbia.

A bill (S. 3575) to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes," approved July 11, 1919 (Public, No. 5, 66th Cong.); to the Committee on Public Buildings and Grounds.

THE EGYPTIAN QUESTION.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to a letter which I received from the Secretary of State and which I think it is worth while to have read. It is very short.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

DECEMBER 16, 1919.

Hon. ROBERT L. OWEN,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of November 29 last, in which you inquire as to the effect of this Government's recognition of the so-called protectorate proclaimed by Great Britain over Egypt on December 18, 1914.

In reply I beg to state that the department does not understand that Egypt was, prior to the British proclamation of December 18, 1914, in possession of full independent sovereign rights.

The effect of this Government's qualified recognition of April, 1919, was to acknowledge, with the reservation set forth at that time, only such control of Egyptian affairs as had been set forth in the notice of the British Government transmitted to the department on December 18, 1914, a copy of which is inclosed.

It is assumed that it is the purpose of Great Britain to carry out the assurances given by King George V of England to the late Sultan of Egypt, as published in the London Times of December 21, 1914.

I have the honor to be, sir,
Your obedient servant,

ROBERT LANSING.

WAR RISK BUREAU PAYMENTS.

Mr. SMOOT. Mr. President, I am just in receipt of a special-delivery letter from a soldier of the American Legion, inclosing a clipping from the evening Washington Times. I desire to take just a moment to read it, and then I want to give a notice. It reads as follows:

HARD SENATE FIGHT FACES SWEET BILL—SMOOT IS DETERMINED TO PREVENT ACTION ON MEASURE BEFORE CHRISTMAS HOLIDAYS.

Supporters of the Sweet bill, increasing the war-risk benefits for disabled service men, will find a lively fight on their hands if they try to get early action in the Senate.

Senator SMOOT, of Utah, who would disintegrate the War Risk Bureau in the interest of economy, stands ready to prevent any contemplated action before the Christmas holidays, despite the optimism of House Members that the Sweet bill is near final enactment.

It is not likely that there will be any action on the Sweet bill or any other war-risk measure in the Senate for a couple of months. Senator SMOOT is waiting for a chance to introduce his bill providing for the disintegration of the War Risk Bureau. Under the measure, he predicts that, with one fell swoop, between 8,000 and 9,000 employees of the War Risk Bureau would find themselves out of jobs.

In the meantime Senator SMOOT intends to hold up action on the Sweet bill or any other measure for the payment of additional compensation to disabled service men. He has made it clear that he does not disapprove liberal treatment of disabled soldiers, and is ready to go far in legislating in their behalf. The trouble lies with the War Risk Bureau, in the opinion of Senator SMOOT, which he believes should be cleaned out from top to bottom.

Mr. President, there is not a word of truth in this article wherein it refers to my position on the Sweet bill. I have on my desk the report on the Sweet bill with amendments agreed to by the Finance Committee, and if the Senator from Iowa [Mr. CUMMINS], having the pending bill in charge, will allow me tomorrow morning to make the report and ask unanimous consent for its consideration, providing it does not lead to unduly prolonged discussion, I am going to make that request.

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. MOSES. Mr. President, I wish to give notice that I shall reserve for a separate vote in the Senate the amendment made as in Committee of the Whole whereby a new section was added to the bill known as section 44½.

Mr. UNDERWOOD. Mr. President, I noticed in several of the daily papers a day or two ago an advertisement signed by a number of gentlemen, and the signers are as follows:

Darwin P. Kingsley, who I understand is president of the New York Life Insurance Co.; Haley Fiske, who is, I understand, president of the Metropolitan Life Insurance Co.; John J. Pulleyn, president of the Emigrant-Industrial Savings Bank, of New York; George K. Johnson, president of the Penn Mutual Life Insurance Co., of Philadelphia; L. F. Butler, president of the Travelers Life Insurance Co., of Hartford, Conn.; and L. F. Van Dyke, president of the Northwestern Mutual Life Insurance Co., of Milwaukee.

The institutions represented by these gentlemen as their presidents own over one billion dollars railroad securities, upon the stability of which depends the investment securing millions of citizens throughout the country.

There are 46,000,000 life insurance policies outstanding, of which 33,000,000 are unduplicated. These are the regular form of policy. The Metropolitan Life Insurance Co., of which Mr. Fiske is president, also issues what is termed an industrial policy, of which there are approximately 15,000,000 policies outstanding and held by the working classes generally, including servant girls and young men of the serving class. The holders of this class of policy pay 10 cents a week on their policies.

So life insurance policies are held among all classes, and very largely among the laboring and serving classes of the country.

The Emigrant-Industrial Savings Bank, of which Mr. Pulleyn is president, is the largest savings bank in the country.

These banks, I think, give weight to the statement which follows. I shall not detain the Senate to have the statement in the paper read at this time, but I will ask to have it printed in the RECORD, as I think it is well worth preserving as a part of this debate.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

A STATEMENT TO THE PUBLIC.

DECEMBER 17, 1919.

The Senate Committee on Interstate Commerce held hearings on the railroad problem practically without intermission from January until October 23, 1919, when a bill (S. 3288) was reported favorably by that committee to the Senate.

Adequate and prompt legislation has been urged by the President. The result of the committee's effort is a bill which is nonpartisan and is responsive to that necessity for remedial legislation which is recognized by the President, by both political parties, and by the American public. This bill is known as the Cummins bill.

The House Committee on Interstate and Foreign Commerce also reported a bill dealing with certain features of railroad regulation, which passed the House with sundry amendments. This is known as the Esch bill. It does not deal with certain underlying problems such as definite instructions for rate making, without which private ownership and operation will be imperiled through the old warfare between the managers of the railroads and organizations of shippers, and as the result of distrust on the part of the general public and the unworkable basis of old laws.

Advocates of Government ownership oppose both bills and advocate substantial extensions of the period of Federal control, with that end in view.

DELAY ENDANGERS RESUMPTION OF PRIVATE OPERATION.

The railway properties and the traffic machinery are suffering from the delay in the return of these properties to those responsible directly and solely for the preservation and efficiency of individual systems. We do not suggest that this is the fault of the personnel of the Railroad Administration. It is the unavoidable consequence of consolidated operation by a temporary governmental agency, the first duty of which is to the Public Treasury and which is not and can not be organized from the standpoint of permanent ownership and conservation.

Extension of Federal control longer than necessary to secure the adoption of indispensable remedial legislation would further prejudice and demoralize the established agencies of transportation and make resumption of private operation on a sound basis increasingly difficult. The drive toward Government ownership, which would constitute a blight upon American politics, restrict development, and enormously increase the complexity and friction of Federal Government, can be effectively checked only through prompt and decisive action by Congress.

This action must be through legislation which will put an end to the attitude of suspicion entertained by the public or artificially stimulated toward the American railroads. It must also put an end to the profound apprehension on the part of the railroads and the investing public as to the attitude of the rate-making authorities toward these properties.

Such legislation must prevent the possibility of exploiting security issues and like possible causes of public distrust. It must put an end to the warfare between shipper and railroad management over rates by subjecting rate levels to a workable statutory test and adapting these rates, as suggested by the United States Supreme Court over 40 years ago, "to the circumstances of the different roads," so that necessary units in the competitive system will not be starved to death. This result is to be expected under the old laws, because of the disposition of the rate-making authority to depress the rate levels unduly in order to prevent what would be regarded as an excessive return upon the value of the property of individual roads in the several competitive groups on which unusual density of traffic might otherwise produce excessive results.

BOTH BILLS GREATLY EXTEND REGULATION.

Both Senate and House bills evidence the inflexible purpose to extend the system of Federal regulation of interstate carriers, begun in 1887, to the limit deemed consistent with private enterprise. We do not stop to oppose or commend that purpose. It is fixed and unavoidable, and is responsive to the weight of opinion expressed at the hearings before the two committees. Any bill which passes will undoubtedly control security issues, new construction, car supplies, facilities, and to some extent service and operation.

A business thus regulated must have public confidence and is entitled to reasonable statutory protection. To return these properties without adequate legislation is to destroy them.

If this protection is assured, the investors in railway securities can well afford to relinquish speculative or excessive returns. They are to-day no longer dealing with a speculative possibility, but they must be assured of a fair chance to receive a reasonable return if they produce the energy and efficiency to earn it under rates found to be adequate for the average condition in each group.

The House bill goes to the limit of regulation without any provision remotely tending to recognize the corresponding obligation of Congress for protection from its own elaborate machinery. The Senate bill (S. 3288) as reported contains fair recognition of that obligation in section 6. As new matter is not added in conference under the usual parliamentary procedure, it is plain that the Senate bill should be passed by the Senate and sent to conference with section 6 unimpaired.

PROVISIONS OF SECTION 6 INDISPENSABLE.

Section 6 is fundamental. It is so indispensable in the existing crisis that we trust that Senators and Representatives desirous of a sound system of competitive American transportation may not, upon the floor of the Senate or in conference or upon the question of concurrence, delay or endanger the passage of a bill containing its provisions.

This bill is not in all respects as the Association of Security Owners would desire, but we recognize that legislation is a practical process, the result of the action of many minds, and that this bill is the result of prolonged, patient, courageous, well-informed, and nonpartisan action on the part of the committee which reported it. As such, we trust that it will be substantially accepted by the Senate and sent to conference, where such differences as may arise as to other features of the bill will be reconciled.

The most elementary good faith repudiates the insistence being made in sundry quarters that the Government should consult primarily its own financial interest or should experiment, with a view to ultimate seizure, in respect to a property which it holds in trust for restoration to the owners in as good condition as when received and as soon after the termination of the emergency, ended November 11, 1918, as that can be done with due regard to the integrity of the property.

Section 6 reduces the rate problem to a simple matter of adjustment to maintain the proper relation of rates. This marked simplification is by the use of a statutory measure applied to the aggregate operating incomes of the railroads in each competitive group. The commission is to see that rates produce 5½—plus one-half of 1 per cent, optional with commission—on the aggregate value of all roads in the group, leaving each road in the group free to earn as much as it can under competitive conditions, but limiting the interest of each individual carrier in individual rates to a fair and responsible return upon the value of its property plus a stated proportion of any excess it may earn which is allowed as a stimulation to continued energy and efficiency.

RETURN IS ON PROPERTY VALUE, NOT ON SECURITIES.

The protest against this provision proceeds partly from those who, like the advocates of the Plumb theory, assert that the provision will vitalize watered securities. It has nothing whatever to do with stocks, bonds, or securities. The ratio of return is to be estimated on the value of the property as determined by public authority—the commission. Section 6 of the Cummins bill and the fifth amendment to the Constitution apply the same test—a reasonable return on the value of the property. The only difference is that section 6 defines the rate of return at 5½ per cent on value, with one-half of 1 per cent optional with the commission for unproductive improvements, such as grade crossings, whereas the Constitution left that figure open for legislative or judicial definition. Section 6 supplies the definition.

Other provisions of section 6 regulate excess earnings by requiring a portion of any excess over 6 per cent to be paid into a public fund for expenditure by the board of transportation in the public interest in railway transportation. Protest has been made against this provision as confiscating the earnings of those roads which, by reason of their strategic situation or dense traffic, are able to earn what may be termed excessive or unnecessarily large returns. The application of the provisions of section 6 to the roads which have made that protest discloses nothing to impair their sound future.

The only thing "confiscated" is the opportunity for what may fairly be termed excessive return on the value of the investment.

There is nothing novel or unexpected in applying a statutory limitation upon earnings to enterprises long since subject to rate regulation and now under strict governmental control in all of their functions.

ERRONEOUS STATEMENTS BY THE WALL STREET JOURNAL.

Among the most active spokesmen for those opposing section 6 is the Wall Street Journal, which has repeatedly asserted that the Cummins bill embraces a socialistic scheme for leveling profits of competently managed roads for the benefit of so-called weak roads.

The committees of the Association of Security Owners long since reached the conclusion that a definite rate of return on the aggregate railway investment was more desirable than a chance for speculative returns to a few railroads unlikely to be realized even by them under existing conditions.

It was also recognized that Congress would never concede a reasonably definite assurance unless accompanied by a limitation upon possible excessive earnings. The accuracy of this thought has been doubly demonstrated. The Esch bill provides for no limitation on earnings, and therefore gives no reasonable assurance, no definition, no instruction. The Cummins bill, on the other hand, proposes in section 6 a fairly definite assurance and regulates earnings to a fair return.

Section 6 permits carriers to retain 6 per cent upon the fair value of their property, if they can earn that much from competitive rates established for the group, plus a portion of any excess they may earn. What is discernible in the present outlook to justify hope for greater return? Certainly nothing to justify the wager of the whole transportation system on the chance.

EARNINGS OF ONE ROAD NOT GIVEN TO ANOTHER.

The Cummins bill creates a board of transportation, to which it gives absolute jurisdiction over the general railway fund to be "employed or invested or expended by the board in furtherance of the public interest in transportation by carriers subject to the act to regulate commerce in avoiding congestions, interruptions or hindrances to the railway service," etc.

The primary purpose of the fund, as shown by section 6, is the purchase of equipment or facilities to be used "wherever the public interest may require." While loans to carriers are permitted on terms to be fixed by the board, the fundamental consideration is the public interest, and there is no warrant whatever for the assertion that the Cummins bill provides for revenue to be taken from one road to be given to another.

The public will get the service, and the excess earnings paid into the fund will not be pyramided for the purposes of rate making or "given" to any road or employed on any favored class of roads.

The percentage return fixed by section 6 is not upon stocks or bonds or even upon the value of individual railway property, but upon the actual value of the entire transportation machine in each rate group, as determined by the commission; and the ratio of aggregate return on the value so ascertained is fixed at a figure at which no one can justly complain. Nor can any road attain that ratio of return upon its own value without earning it on a competitive basis. There is neither extortion nor stagnation in that process.

Desirous only of a sound and wholesome future for the railroads, based on deserved public confidence, we desire to emphasize the necessity for prompt and definite legislation.

DARWIN P. KINGSLEY, New York,
HALEY FISKE, New York,
JOHN J. PULLEYN, New York,
W. D. VAN DYKE, Milwaukee, Wis.,
LOUIS F. BUTLER, Hartford, Conn.,
GEORGE K. JOHNSON, Philadelphia, Pa.,
Subcommittee National Association of Owners of Railroad Securities.

Mr. McCORMICK. Mr. President, although I will say a word later in the course of the debate upon the amendments I have offered to the so-called labor sections of this bill, I wish to ask the attention of Senators for a moment to the amendment proposed by the Senator from Kentucky [Mr. STANLEY]. It would strike from the bill all the machinery of mediation and arbitration which the bill intends to create. It would restore the settlement of differences between the railroads and railroad employees to the status which has heretofore existed.

It is not necessary to consider the whole recent history of employment in the railroad industry, and disputes between the brotherhoods and the railroads, to conclude that it is necessary to take some steps to prevent the recurrence of a situation in which the Government cravenly yielded to the demands of the brotherhoods, and an alarmed Congress, following suit, wrote into law provisions, whatever their merits or demerits, which signalized the surrender of the Government to the demands of a single and special interest in this country.

As I have already indicated to Senators, I do not approve the whole plan contemplated by the bill, for reasons which I shall give very briefly a little later, I hope, in this debate. But in the same sense in which the extreme provision of the bill errs, so does the amendment of the Senator from Kentucky err. The amendment of the Senator from Kentucky would leave us liable to a recurrence of the industrial chaos from which happily we are emerging.

I ought to say, in justice to the Senator, that he has weighed with friendly tolerance the views which I, for one, hold. I think I may say that he finds something of merit in them. I have been ready to permit his amendment to go to a decision, unqualified by those which I have in hand, in order that the Senate may make clear its opinion on the policy which his amendment contemplates. The Senate thereafter may act upon the policy contemplated by the amendments which I have offered or which have been offered by the Senator from New Mexico [Mr. JONES].

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. McCORMICK. Certainly.

Mr. FLETCHER. I ask the Senator if he thinks it would not be well to state substantially the nature of his proposed amendment, and what it is expected to accomplish by it? That might possibly have a bearing on the vote upon the motion to amend now pending.

Mr. McCORMICK. I forbear to do that now because I have already done so, but I will say to the Senator from Florida that the amendments which I offered first fixed the time during which the committee of wages and working conditions or the adjustment board may have a dispute under consideration, in order that those boards might not interminably consider a matter in dispute. It leaves the board and the committee of wages and working conditions precisely as provided in the bill as reported by the committee, but it qualifies the prohibition to strike. It provides that no lockouts or strikes may be called until 60 days after the publication of the decision of the board, as elsewhere provided in the bill. It is the essence of the amendment, that the prohibition to strike is qualified instead of absolute.

Mr. FLETCHER. And after that time either side is at liberty to do as it pleases?

Mr. McCORMICK. Precisely; and it is in that sense, and that sense only, that it may be said that the principle of the Canadian act has been adopted.

Mr. WALSH of Massachusetts. Mr. President, I desire to address myself briefly to the question of how we may protect the public as far as possible against interference by strikes with the transportation service, which is so indispensable to the prosperity and welfare of all our people.

The bill before us seeks to accomplish this laudable end by mandatory provisions penalizing strikes. Such legislation, in my opinion, will neither accomplish its primary purpose of preventing strikes nor tend to secure that regularity and reliability of service which the public interest requires. My reason for this conviction is that the antistrike provisions of the bill are unfair and unjust, and such legislation rarely, if ever, accomplishes its purposes in a democracy.

I want to impress upon the Senate the wide difference between legislation which attempts to prohibit strikes and legislation which aims to remove as far as possible the incentives to striking. I can not agree that the important question of how to secure an uninterrupted transportation service is squarely and honestly met by the antistrike provisions of the bill. The railroad employees of the country believe, and are justified in believing, that this repressive legislation is aimed against their natural and inalienable rights, and a palpable evasion by the Senate of its duty to thoroughly study and impartially remove the real obstacles in the way of a steady and reliable transportation service. We are not going to promote harmony and efficiency in the service nor do justice to the railroad employees by a law that penalizes strikes but fails to remedy their causes.

Such measures may for the moment gratify the investor whose money is in railroad shares, but it is the right of the great public, of which employees of the capitalist class are but a small part, to have the problem settled on the basis of justice, for only such a settlement can be adequate and secure.

I desire to urge upon the Senate a full inquiry into the real causes of actual and threatened interruptions of service in the public utilities, and of the great loss and injury that these interruptions always cause. This will result not only in a realization that strikes in our transportation service are intolerable, but that they are due to causes that can and must be removed. The end sought will be not only the prevention of organized strikes but the removal of the conditions which create unorganized discontent, lowering the morale and crippling the efficiency of the service long before its ability to function is entirely suspended or destroyed.

Few, if any, will attempt to-day to claim that the right to strike is not and has not been on the whole a useful and beneficial instrument in social progress. The great progress which has been made in America during the last 50 years in improving the conditions of the great working population of our country and, I might add, in benefiting civilization the world over, has been directly or indirectly due to strikes and the right to strike. The enlightened laws that have gradually reduced the hours of labor, improved working and housing conditions, and raised the wages of women and minors have been brought about through pressure brought to bear upon legislative bodies by a public opinion aroused by the disclosures of unjust and oppressive conditions that strikes have revealed.

It is scarcely conceivable that anyone would contend that our present wage standards and the improved working conditions of to-day would have been achieved without the organizations of employees and—regrettable as it is to admit it—without strikes and the right to strike. With this history before us of the hard and long struggle by which these great labor reforms were brought about—our child-labor legislation was agitated for 50 years in some States before it was accomplished—we shall surely hesitate to abolish at one fell swoop the right to strike. There is quite as much reason to say "No more combinations of private capital for increasing profits," because in some instances combined capitalists have broken the fundamental laws of God and man by their unjust treatment of labor, as to say "No more strikes" because some strikes have been unjustifiable.

Strikes among certain classes of employees are, indeed, never justifiable, and among these classes are undeniably our transportation employees. But we can not, merely because we must have uninterrupted transportation, chain these men to their posts as the Romans chained their galley slaves to the oars. The duty of refraining to strike against the public, which in a democracy is rebellion against the Government itself, implies a corresponding obligation upon the public, through its representatives, to provide the employees in the public utilities with the best working conditions and the fairest wages.

The public has a responsibility, which it and we should not shirk, of seeing to it that, whether the railroads remain under public management or are returned to private operation, their employees, who in either case are really the servants of the public, are at least as well if not a little better treated than by private employers requiring the same qualifications and similar kinds of service. We can not very long claim to be a Government or a Nation that sets the highest standards of working conditions and wages and that treats its employees so justly that strikes can not be excused or allowed if we continue to allow our intelligent teachers, our skilled firemen and fearless policemen, the highly trained officers of our Army and Navy, and the high-standard civil-service employees of the Postal Service to be paid less than illiterate foreigners in the steel industry and other occupations under private control.

Is it fair—of course, we have the power—to say even to Government employees, "You shall not strike," unless we prevent their wages from slipping back on account of the rising cost of living until they, who should be the highest paid, are coming to be the lowest paid of all? Can we in justice to the public continue to permit strikes to occur even in the public utilities, which are not operated by the Government, and yet are just as indispensable to the public welfare? How, then, can we in either case say, "No strikes," unless we at least protect them both against the depreciation of the purchasing power of their wages that reduces them below the national standards and deprives them of a living wage?

We should seek, before passing antistrike legislation of the character proposed, to place capital and labor upon an equal footing and lay down the fundamental principle that the public is bound to pay for transportation service a living wage to labor at all times, as well as a just return to capital. Provision is made in the bill for a just return to capital, but no definite provision is made guaranteeing a living wage to labor.

We can not justify legislation which protects capital from the ordinary risks of business and assures to it a steady and liberal return, while at the same time it leaves to labor all the old uncertainty and the risk of failing to obtain even a living wage for its services, which are quite as essential as those of capital, in affording to the public a satisfactory and reliable system of transportation. If the one is to be protected by law, the other should be also.

The main cause of strikes has almost always of late years been the demand for wage increases to meet the increased cost of living. The strike or the threat of striking has been the employee's most effective, if not indeed his only effective, means of forcing his employer to offset by increased pay the increased cost of living which has diminished the purchasing power of his wages. We can not take this weapon from him without supplying a safe and sufficient substitute; and no substitute can be more safe and sufficient than the guaranty of a wage the purchasing power of which shall never be impaired by increases in the cost of living. He has a right to the assurance of a minimum living wage; he has a right to the assurance that in return for taking away from him the right to strike he shall always be given a living wage, a wage which will be so fixed as to fluctuate up and down as the cost of living rises and decreases. This is simple justice, and it is just to the public as well as to the employee, whose relief from anxiety as to the future will be no greater than the relief of the public from the danger and possible disasters of a general railroad strike. Therefore, since the committee bill provides no such guaranty as a compensation for the denial of the right to strike, I intend to vote to strike out the antistrike provision of the bill; and if the Senate by majority vote insists upon the strike provision remaining in the bill, I shall offer an amendment which will provide at least some justification for antistrike legislation.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kentucky [Mr. STANLEY].

Mr. STANLEY. I note the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McCormick	Sherman
Ball	Gronna	McKellar	Smith, Md.
Bankhead	Hale	McLean	Smith, S. C.
Borah	Harris	McNary	Smoot
Brandegee	Harrison	Moses	Spencer
Capper	Henderson	Myers	Stanley
Chamberlain	Hitchcock	Nelson	Sterling
Cummins	Johnson, S. Dak.	New	Sutherland
Curtis	Jones, N. Mex.	Newberry	Thomas
Dial	Jones, Wash.	Norris	Townsend
Edge	Kellogg	Nugent	Trammell
Elkins	Keyes	Overman	Walsh, Mass.
Fernald	King	Phipps	Walsh, Mont.
Fletcher	Kirby	Poindexter	Warren
France	Knox	Pomerene	Watson
Frelinghuysen	La Follette	Ransdell	Williams
Gay	Lenroot	Sheppard	Wolcott

The VICE PRESIDENT. Sixty-eight Senators have answered to the roll call. There is a quorum present. The pending question is on the amendment of the Senator from Kentucky.

Mr. WALSH of Montana. Mr. President, I understood the Senator from Massachusetts [Mr. WALSH] to indicate that he had an amendment which he desired to offer, if the motion of the Senator from Kentucky should not prevail. I inquire whether the amendment would then be in order, or whether it must not be presented, in order to have consideration, before the motion to strike out is voted on?

The VICE PRESIDENT. The Chair has already ruled that the text is amendable if the motion be defeated. If it is stricken out, of course, it is not amendable. The question is on the amendment.

Mr. STANLEY. On that amendment I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been ordered, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I am paired with him during that absence, and, therefore, must withhold my vote. If at liberty to vote, I should vote nay.

Mr. KENDRICK (when his name was called). On this vote I transfer my general pair with the Senator from New Mexico [Mr. FALL] to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. NEWBERRY (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. REED] and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SUTHERLAND (when his name was called). I inquire if the senior Senator from Kentucky [Mr. BECKHAM] has voted.

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have ageneral pair with that Senator. He being absent from the Chamber, I am obliged to withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I transfer that pair to the senior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a pair with the junior Senator from Ohio [Mr. HARDING]. He is absent on account of official business of the Senate; but, as he would vote on this question as I intend to vote, I feel privileged to vote, and vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

The roll call was concluded.

Mr. BANKHEAD (after having voted in the negative). I have a pair with the junior Senator from Vermont [Mr. PAGE], but on this question I am authorized to vote and will permit my vote to stand.

Mr. KELLOGG (after having voted in the negative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and allow my vote to stand.

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. In his absence I withhold my vote.

Mr. MCKELLAR (after having voted in the affirmative). I inquire whether the junior Senator from Iowa [Mr. KENYON] has voted.

The VICE PRESIDENT. He has not.

Mr. MCKELLAR. I have a pair with that Senator. Not knowing how he would vote, I transfer the pair to the senior Senator from Nevada [Mr. PITTMAN] and allow my vote to stand.

Mr. EDGE (after having voted in the negative). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the junior Senator from Ohio [Mr. HARDING] and allow my vote to stand. As I understand, the Senator from Ohio and the Senator from Alabama [Mr. UNDERWOOD] are on the same side of the question, which permits me to make the transfer.

Mr. UNDERWOOD. I am privileged to vote without transfer, so that the Senator is at liberty to make the transfer, if he so desires.

Mr. EDGE. I transfer my pair to the junior Senator from Ohio [Mr. HARDING] and let my vote stand.

Mr. WILLIAMS. Mr. President, under a misapprehension I transferred my pair. I understand now from his colleague that the senior Senator from Pennsylvania [Mr. PENROSE], if present, would have voted as I did. I therefore ask that my vote stand without any record of a transfer.

Mr. CURTIS. I have been requested to announce that the Senator from California [Mr. JOHNSON] is paired with the Senator from Oklahoma [Mr. GORE].

The result was announced—yeas 25, nays 46, as follows:

YEAS—25.

Ashurst	Harris	La Follette	Smith, S. C.
Borah	Harrison	McKellar	Stanley
Chamberlain	Henderson	McNary	Trammell
Fletcher	Jones, N. Mex.	Norris	Walsh, Mass.
Gay	Kendrick	Nugent	
Gerry	King	Overman	
Gronna	Kirby	Sheppard	

NAYS—46.

Ball	Fernald	Moses	Sterling
Bankhead	France	Myers	Thomas
Brandegee	Frelinghuysen	Nelson	Townsend
Calder	Hale	New	Underwood
Capper	Hitchcock	Phipps	Wadsworth
Colt	Johnson, S. Dak.	Poindexter	Walsh, Mont.
Cummins	Kellogg	Pomerene	Warren
Curtis	Keyes	Ransdell	Watson
Dial	Knox	Sherman	Williams
Dillingham	Lenroot	Smith, Md.	Wolcott
Edge	McCormick	Smoot	
Elkins	McLean	Spencer	

NOT VOTING—24.

Beckham	Gore	Jones, Wash.	McCumber
Culberson	Harding	Kenyon	Newberry
Fall	Johnson, Calif.	Lodge	Owen
Page	Pittman	Shields	Smith, Ga.
Penrose	Reed	Simmons	Sutherland
Phelan	Robinson	Smith, Ariz.	Swanson

So Mr. STANLEY's amendment was rejected.

Mr. STANLEY. Mr. President, I move to strike out simply the penal sections of this bill—29, 30, and 31—beginning with line 11 on page 70 and going down to line 22 on page 71; and on that motion I ask for the yeas and nays.

Mr. MCCORMICK. Mr. President, I offer as a substitute therefor the amendments which I send to the desk to sections 29, 30, and 31, which are covered by the motion of the Senator from Kentucky.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Is it not more in order—if that is a proper expression—to perfect the pending sections before a substitute for them is offered?

Mr. MCCORMICK. The Chair has so ruled. That is what this amendment does.

Mr. BRANDEGEE. I understood that the Senator from Kentucky had offered an amendment to strike out the penalty and that the Senator from Illinois had offered a more comprehensive amendment as to several sections.

Mr. LENROOT. It strikes out all the sections.

Mr. MCCORMICK. In view of the motion of the Senator from Kentucky, I offered at this moment so much of the printed amendments as covered the sections which the Senator from Kentucky had just moved to strike out—sections 29, 30, and 31.

Mr. CUMMINS. Mr. President, it seems to me that we are approaching the subject from rather a difficult angle; and I hoped that the motion made by the Senator from Kentucky could be first submitted and voted upon before the proposal of the Senator from Illinois should be presented to the Senate.

I am equally opposed to both the amendment suggested by the Senator from Illinois and the motion or amendment proposed by the Senator from Kentucky. I have already said all that I care to say on the merits of the committee proposal for the adjustment and settlement of industrial disputes. I shall not repeat my argument upon that subject, although there are many Senators here now who were not present when I gave my views with regard to the whole subject. I rise now simply for the purpose of indicating, from my point of view, what the effect of adopting the amendment proposed by the Senator from Illinois will be.

The Senator from Kentucky moves to strike out sections 29, 30, and 31. These are the sections which declare the offense. The previous sections relating to the adjustment or settlement of labor disputes would be practically meaningless if they were not followed by the sections which declare the offense; and I am rather assuming that if the Senate desires to take no action whatever upon the subject, it will accept the amendment proposed by the Senator from Kentucky.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. CUMMINS. I yield.

Mr. LENROOT. I should like to ask the Senator upon what ground he makes the statement that the other sections will be valueless without the penalty?

Mr. CUMMINS. So far as I am concerned, they will be worse than valueless, from my point of view.

Mr. LENROOT. I had understood the Senator from Iowa to take the position that these so-called penalizing sections would not prohibit the men from quitting their employment, either singly or collectively, but would only penalize a conspiracy to restrain commerce.

Mr. CUMMINS. There is nothing whatever in the sections preceding the penal sections which has anything to do with or puts any restraint whatever upon employees or carriers either. The preceding sections simply create tribunals for the adjustment or decision of disputes between employees and carriers. I am opposed to creating such tribunals if there is no one to give them respect. If we do not legislate in some way that will command respect for these decisions, I should myself move to eliminate them from the bill.

I believe in all kinds of mediation and conciliation. We have those tribunals now in the law, but the tribunals which we have created in this bill are not for mediation; they are not for conciliation; for, as I have just remarked, we have abundant machinery of that kind at the present time. These provisions are for adjudication, and I am not willing that the United States shall, through its tribunals, through officers appointed by the law, adjudicate a dispute between employers and employees unless some respect can be commanded for the adjudication.

If it shall be our policy to attempt mediation and conciliation, well and good. That has its advantages. We have been trying it for years, and we have very excellent tribunals of that sort now, and they are composed of very good men; and there is no necessity of adding anything to these boards or bodies if

we intend simply to mediate or conciliate. But I say again that it is the policy of this bill to create Government tribunals, made up, we hope, of impartial, intelligent, patriotic men who will have the authority to decide between the contending or disputing parties; and when the Government of the United States decides a controversy I for one want that decision to command the respect of law-abiding, peace-loving people; and I would not stand personally for these provisions as they are now constituted unless they can be followed by some penalty for disobedience. They are worthless, valueless—worse than worthless and worse than valueless—if some sanction is not attached to them that will lead the people of this country to respect and obey them.

Mr. LENROOT. Mr. President, will the Senator yield further?

Mr. CUMMINS. I yield.

Mr. LENROOT. Then, do I gather from the Senator that his construction of the penal provisions is that they compel the employees to accept the decisions of the board and remain at work?

Mr. CUMMINS. The Senator from Wisconsin has not drawn the proper conclusion.

Mr. LENROOT. It seems I have not.

Mr. CUMMINS. I know the Senator believes that he has drawn the proper conclusion, but he has not drawn it. These particular penal provisions of the bill provide that if two or more officers, employees, agents, or attorneys of common carriers enter into a combination or agreement, with the intent or for the purpose of preventing the operation of trains and the movement of commodities in interstate commerce in a substantial way, and for the further purpose of compelling the other side to the dispute to yield or accept the demand so made, whether it is on the part of the employer or on the part of the employee, then that combination or agreement becomes a conspiracy and those who enter into it become subject to the fine of $500 or imprisonment, as the case may be. That is the offense declared in this law; but all of it is preceded with this thought, that the Government has ascertained the justice of the matter and has rendered a decision which every law-abiding man ought to respect.

I do not intend to be misunderstood about it. I am not willing to prohibit in any form whatsoever the strike unless the Government will undertake to determine the justice of the dispute and to award either to the employer or to the employee the justice which either may properly demand. That is the prerequisite for interference with the right to strike or with the combination of which I have spoken.

Now I come to the amendment of the Senator from Illinois [Mr. MCCORMICK]. The amendment of the Senator from Illinois has some merit. It has been tried in Canada; not exactly his proposal, because Canada does not adjudicate the merits of the dispute. The Government itself does not become responsible for the adjudication of the dispute in Canada. But there is appointed a tribunal for the purpose of making an investigation, and until the investigation is concluded and a report or recommendation is made regarding the facts the men are prohibited from striking; and this applies to all industries in Canada. It is not limited to railroads. It is a provision which applies to every industrial enterprise and to all workmen.

Now, let us see how difficult it will be to vote discriminatingly upon the amendment offered by the Senator from Illinois. If the amendment is adopted—and I understand now that the Senator limits it to the penal provision——

Mr. MCCORMICK. Mr. President——

Mr. CUMMINS. Let us see how it would be.

Mr. MCCORMICK. I want to interrupt at this point for the information of the Senator from Iowa. I limit it to those sections which the Senator from Kentucky [Mr. STANLEY] more recently moved to strike out. I am minded to raise the point of order against his motion at present; but in any event we go back to sections 25 and ensuing, with the amendment which I originally offered.

Mr. CUMMINS. Mr. President, that would remove some of the difficulties I had in my mind. But I had hoped that we could have a direct vote upon the provisions of the bill as they are and the amendment offered by the Senator from Illinois. I wish the Senator would withdraw his amendment so that we could have a direct vote on striking out the penal provision of the bill. I think it would add to the clarity at least of the situation.

Mr. STANLEY. Mr. President, the Senator from Illinois offered an amendment to my last motion to strike out the last three provisions. The Chair has hitherto held that it is in the nature of an amendment to perfect the text. If the motion of the Senator should carry, it would apply to other provisions, and a vote on my motion to strike out, in the event it does pass, would be unnecessary, because you would have two penalties provided. I think, of the two amendments, the amendment offered by the Senator from Illinois is the least objectionable. For that reason I withdraw the amendment to strike out the last three sections.

The VICE PRESIDENT. The Senator from Kentucky did not understand the Chair. The Chair did not say that it was to perfect the text. The Chair inquired whether it was to perfect the text. The Chair does not think it is an amendment to perfect the text at all, but an amendment to strike out and insert. The Chair does not believe that the present motion of the Senator from Kentucky to amend is in order. There was pending before the Senate a question which contained several propositions on which the Senator has a right to have a separate vote of the Senate. He did not ask it, and the Senate voted on them all; and the Chair thinks it is too late now to split them up and take separate votes.

Mr. STANLEY. Mr. President, I think the Chair did not catch my motion. I stated that the Chair had previously—not the present occupant of the chair—held that a question of this character is in the nature of an amendment to perfect the text, and that in that event a motion on my motion, after we had voted upon the motion of the Senator from Illinois, would be unnecessary. For that reason, and in the light of that ruling, I wish to withdraw the last amendment offered.

Mr. MCCORMICK. Mr. President, I do not want to interrupt the Senator from Iowa——

Mr. CUMMINS. All I desire is to clear the way for a vote.

Mr. MCCORMICK. On all the amendments which I have offered?

Mr. CUMMINS. Upon the amendment offered by the Senator from Illinois.

The VICE PRESIDENT. It is clear now. The Senator from Kentucky has withdrawn his motion to amend.

Mr. CUMMINS. Mr. President, just a word. I hope that the amendment offered by the Senator from Illinois will not prevail. The proposal that the Government shall enter into, not an investigation, but into a judicial inquiry respecting the merits of a dispute between employees and an employer, and shall go forward, taking testimony, hearing arguments, and then adjudging the dispute, adjudicating the merits of the dispute, and that 30 days thereafter it shall be lawful for employees of a railway company to combine and agree amongst themselves, for the purpose of enforcing their demands against their employer, to prevent the movement of trains and the movement of commodities in interstate commerce without incurring some penalty, is to me most extraordinary. If they are to have the right to strike, in view of the assumption by the Government of the task and responsibility of adjudicating the controversy between them and their employer, they ought to have the right from the beginning, and the Government ought not to attempt to impose its will upon either employers or employees.

The Canadian statute, after which the amendment of the Senator from Illinois is fashioned, does not proceed with that want of logic. It does not proceed upon the theory that the Government will adjudicate the merits of the dispute or assume any responsibility for the adjudication of the dispute. The Canadian statute proceeds upon the theory that if all the facts are gathered together by a tribunal competent for that purpose, and the facts are published, then public opinion will correct the evil which may grow from a strike.

Sometimes that is true; sometimes it is not true. I only suggest that there have been more strikes upon the railways in Canada, notwithstanding the statute the substance of which the Senator from Illinois now offers, than there have been in the United States in the same length of time.

In the former hearings, when the committee was surveying the whole field, the representatives of labor were particularly critical of the Canadian statute. Mark you, I do not suggest that the representatives of railway labor are satisfied with the present bill. On the contrary, they oppose it as vigorously and as violently as it is possible for men to oppose anything. But they have represented to the committee many times that the efforts of the Canadian Government to suppress strikes through the investigating committee, and the publication of its reports, had been a total failure; and I rather accept their judgment with respect to that, in view of the instances which they furnish us of the number of strikes which had occurred under the statute.

The proposal of the bill advances one step beyond the Canadian law, beyond possibly any effort that has been made upon this subject, and is founded upon the broad idea that all men will come to believe that if the Government does undertake to ad-

judicate the disputes and render justice between men and their employers, the wageworker will come finally, if he has not now, to have confidence in his Government. I predict that if the proposal of the bill is enacted into law it will be but few years before its stanchest defenders will be found among the men to whom the Government has administered justice against the injustices, if you please, of their employers.

As I said when I opened this matter to the Senate, it is true that we are taking away from railway wageworkers in some instances the right to strike and suspend in that way the commerce of the country and subject the people of the land to those perils and hardships so graphically described by the Senator from Mississippi [Mr. WILLIAMS]. But we are not taking away the right to strike under these circumstances without giving to the wageworkers a right more enduring, more valuable, more likely to produce justice for them than the strike has ever done, and it will not be long, in my judgment, before the whole world, as the Senator from Mississippi has so eloquently said, will see tribunals rise everywhere, created by organized society and maintained by government, for the dispensation of justice not only to wageworkers but to those who represent capital as well.

I do hope that the amendment offered by the Senator from Illinois will not prevail.

Mr. WILLIAMS. Mr. President, I listened with very much interest to what the Senator from Iowa [Mr. CUMMINS] said. I am mainly in accord with what he said, but there is a part of his discourse that I think does not bear examination even from his own standpoint.

The tribunal erected is not a Government tribunal. It is not a bureaucratic tribunal. It is not a tribunal representing that part of the American people temporarily in political power at the time of its creation—any political power.

On page 57 of the bill, in section 25, I find this language:

> For the purpose of settling disputes and controversies not adjusted under existing provisions of law or otherwise adjusted between railway carriers subject to this act and their employees, there are hereby created a committee of wages and working conditions and three regional boards of adjustment.
>
> The committee of wages and working conditions shall be composed of eight members, four of whom shall represent labor and four of whom shall represent railway carriers.

That is not a Government board at all. A Government board would consist of eight members representing the public without any regard to the contestants. This is much less fair than a governmental board because when they finally arrive at their report concerning the controversy that may be before them they have to communicate it to the public. They may agree by majority vote to one report. The employees may agree to one report, the employers may agree to another, and in that event the question will be left to public consideration.

On page 58, line 23, of the bill, I find this provision:

> The committee of wages and working conditions shall have jurisdiction over controversies respecting wages and working conditions of employees upon railway carriers subject to this act. Said committee shall be also empowered to hear and determine cases on appeal from the regional boards where said boards are evenly divided and unable to reach a decision by majority vote.

It is unnecessary to go into any further explanation of that. Farther down, in line 16, on page 59, I find the following:

> If the committee of wages and working conditions is evenly divided upon any question, the matter in dispute, together with all record of proceedings pertaining thereto, shall be referred to the board, whose decisions shall be final.

Mr. President, that all comes down to this: You form a tribunal in which labor and ownership of railways are equally represented. You agree beforehand to abide by their decision. If they make no decision, there is no agreement about a decision which has been made, of course. But if they make a decision, then there is an appeal from that to a higher authority. If that higher authority makes a decision, that must be submitted to. If the higher authority makes no decision, then there is no decision to be submitted to.

My only objection is the lack of teeth in it. I am in favor of the bill as far as it goes, because it is the best thing I can get, but I would have put teeth in it somewhere, where somebody had to submit, somehow, nolens volens, on either side. I have no respect for any board of arbitration that can not enforce its arbitral opinion, no more than I have any respect for a court that can not call in a constable to see that the court's decrees prevail.

This is not a Government board at all, and I was astonished at the Senator from Iowa constantly mentioning it as such.

Mr. CUMMINS. It is a Government board, which is appointed regularly, which is paid regularly. It is a permanent tribunal. It is true that its members are drawn from nominations from one class and from another, but when drawn it becomes a permanent tribunal.

Mr. WILLIAMS. What the Senator from Iowa means is that this is a governmentally appointed board, but it is not a Government board. It does not in any respect represent the Government itself. It represents four members of employees and four members of employers, and they must, under the provisions of the bill, be selected in that way—the employees and employers. If they are honestly selected, and I presume they will be, that will be what they mean. Of course it is, in the sense of being governmentally appointed, a governmentally appointed board. There might be a provision that the President of the United States should appoint a bipartisan board of some description, three members of which should be of one party and three of another, but you could not call it a party board. You would have to call it a nonpartisan or bipartisan board appointed by the Government; nor would it be a governmental board.

This is a governmentally appointed board, but not a Government board, because in no part of it does it represent the Government or the public of the United States. Four members of it represent the operators and owners of the railroads and four members of it represent the employees of the railroads. Some day when we come to consider the matter a little bit further we are going to appoint four more members on that board to represent the public and to sit generally in solemn decision upon the questions between the owners and the employees of the railroads. We seem not to have arrived at that yet.

Those who are quarreling with the proposition are quarreling with it without any cause, because the real cause of the quarrel is that the Government is not represented, that the general public is not represented, and that nobody except the capital and the labor engaged in railroad operation is represented.

If I were going to offer an amendment to this particular provision, it would be that four members should be appointed by the President of the United States, subject to the assent of the Senate, to represent the general public and without any connection with either the ownership or the workingmen's interest in the railroad controversy.

The Senator from Illinois [Mr. MCCORMICK] offers an amendment which seems to me to indicate either a nonapprehension or a misapprehension of the meaning of the law. If I were going to offer an amendment from the standpoint he seems to occupy, but he does not occupy—from the standpoint from which he ought to occupy—I would offer an amendment to have four more members represent the general public, the public of consumers of transported products, who have more interest in the problem than either the men who capitalize the railroads or the men who practically as workingmen operate the railroads.

I find on page 65 another provision, from line 18, inclusive, on page 65, down to and including line 21 on page 66:

> SEC. 30. It shall be unlawful for two or more persons, being officers, directors, managers, agents, attorneys, or employees of any carrier or carriers subject to the act to regulate commerce, as amended, for the purpose of maintaining, adjusting, or settling any dispute, demand, or controversy which, under the provisions of this act, can be submitted for decision to the committee of wages and working conditions or to a regional board of adjustment, to enter into any combination or agreement with the intent substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce, or in pursuance of any such combination or agreement and with like purpose substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce; and, upon conviction, any such person shall be punished by a fine not exceeding $500 or by imprisonment not exceeding six months, or by both such fine and imprisonment: *Provided*, That nothing herein shall be taken to deny to any individual the right to quit his employment for any reason.
>
> SEC. 31. Whoever knowingly and with like intent shall aid, abet, counsel, command, induce, or procure the commission or performance of any act made unlawful in the last preceding section hereof shall be held guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding $500 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

It seems to me, Mr. President, that any man fairly and squarely and honestly a good citizen of the United States, whether his interests are capitalistic or operative, ought to be willing to leave any matter in controversy between him and any other citizen to some fair arbitration. There might have been some objection to this if it had been a pure Government board, as the Senator from Iowa [Mr. CUMMINS] seems to argue, without intending to argue that way. But this is only a bipartisan board, half of it the owners or the capital interested and half of it the operatives or laboring men interested.

My only doubt about the success of the provision is that from my knowledge of human nature I believe that in nine cases out of ten the four representatives of labor will vote one way and the four representatives of capital owning the railroads will vote the other way, and somebody has to bring them into line with one another. There ought to be somebody on the board to do it. There ought to be some ultimate authority on the board to

come together. There ought to be somebody somewhere prepared to say, "Confound both your houses. If you want to starve and freeze the public by quarrels amongst yourselves, you must quit it." There must be a board of some sort to settle their controversies, and they must both be made to agree and abide by its decisions, by force if necessary.

The only objection I have to the provision is that it has no teeth—that is, it has not teeth enough, at any rate, to bite—and the Senator from Illinois [Mr. McCORMICK] wants to extract the few teeth that it has.

Mr. McCORMICK. Mr. President, I wish to take a moment to repeat what I have already said, by way of explanation of the substance of these amendments. They fix a time during which the regional boards of adjustment or the committee of wages and working conditions may have matters in dispute under consideration. This time limit was introduced to meet the gravest objection, I believe, which has been raised in Canada against the system in vogue there, namely, that commissions or committees of conciliation have held wage disputes for interminable consideration.

The amendments also provide that parties to the dispute shall resort neither to lockout nor to strike until 60 days after the decision of the board as provided in the act. Here we have taken a ground in principle very different from that taken by the bill. I believe that, going as far as the amendments do, we take a long step in the direction of the settlement of industrial disputes. Indeed, I am happy to have heard the Senator from Iowa acknowledge that there is some merit in the plan. It preserves all the machinery for settlement, although it eliminates the absolute prohibition to strike or to lockout.

Senators know that the provision in the Senate bill can not become law, whereas the provisions contemplated by these amendments may become law. On that ground, if for no other reason, I should seek support of the amendment in this Chamber.

Mr. WOLCOTT. Mr. President, I desire to occupy merely a moment of the Senate's time for the purpose of explaining why I cast the last vote which I did upon the amendment offered by the Senator from Kentucky [Mr. STANLEY]. His amendment was to strike out a number of sections following each other consecutively. Those sections embraced what I might call the provisions of the bill erecting the controversy-adjusting machinery and the sections providing for the antistrike legislation. Therefore, as the question was put, Senators were invited to express their judgment upon whether or not all those sections should go out. I would gladly have voted to strike out the antistrike sections had the motion been confined to them, but I was opposed to striking out the sections which set up the dispute-adjusting machinery. Therefore I voted against the whole motion. Ultimately, I have hoped that the Senate would reach the position offered by the junior Senator from Illinois [Mr. McCORMICK], because that plan of handling disputes seems to me, in the light of experience supplied by the various nations of the earth up to date at least, to be about the best available. Therefore I shall vote for and support the amendment offered by the junior Senator from Illinois.

Mr. WALSH of Montana. In reference to the pending amendment, which has been tendered by the junior Senator from Illinois [Mr. McCORMICK], I desire to remark that that amendment serves to bring very forcibly before the Senate the proposition so frequently asserted by the Senator from Iowa [Mr. CUMMINS], that the provisions in respect to this subject in the bill do not forbid any man to quit work, either singly or in combination with any number of employees. The amendment offered by the Senator from Illinois, however, does so, and does so in express terms. I do not believe that anyone who has given very serious consideration to the subject can doubt that it is wholly beyond the power of the Congress of the United States to make penal the quitting of work by any man, individually or in combination with anyone else; that is to say, contemporaneously with anyone else. The bill goes no further, as I interpret it, than to penalize, not the man who quits work, either singly or contemporaneously with any number of men, but the man who endeavors to get others to quit work in order that the railway system of the country may be paralyzed and tied up.

The Senator from Illinois might possibly reframe his amendment to meet the objection, but I venture to say that as it stands it can not possibly be sustained as a constitutional enactment. I invite attention to its language.

Mr. McCORMICK. The Senator from Montana refers to the language at the bottom of page 3 and top of page 4 of the amendment?

Mr. WALSH of Montana. I do. That language reads:

> Any employee of a carrier subject to this act who ceases or quits work in combination with other employees thereof, prior to or within 60 days after the publication of such report, for the purpose of inducing or compelling such carrier to grant or continue to grant terms of employment, or for the purpose of helping other employees to induce or compel their employer to grant or continue to grant terms of employment, shall be guilty of a misdemeanor, and shall on conviction be punished by a fine of not more than $500 or by imprisonment for not more than six months, or by both.

I think that indisputably makes the quitting of work an offense; that is, to say that a man is obliged to continue in his employment under the penalty of the law. That is clearly involuntary servitude and nothing less than involuntary servitude. So I feel that to adopt this amendment in its present form—it might perhaps be amended to meet that situation—but in its present form I feel that it would be ineffective.

Mr. McCORMICK. Mr. President, I will ask the Senator from Montana, who has made the point, I think very aptly, to turn to page 66 of the pending bill, the print of October 22, which I presume he has before him.

Mr. BRANDEGEE. What section?

Mr. McCORMICK. Section 30, in the seventh line of the section, or thereabouts, which deals with this very subject matter. I ask the Senator from Montana to turn to that in order that he may suggest, if he will, language from the bill as reported which might be substituted for the language to which he raises the objection.

Mr. WALSH of Montana. I have section 30 before me, but it will take some time to prepare the proposed modification, and I dislike to undertake to propose a substitute expression for that of the Senator from Illinois at this time. I merely invite his attention to the difficulty in the amendment which he has tendered.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. McCORMICK. Certainly.

Mr. BRANDEGEE. I did not know the Senator had the floor; I do not desire to interrupt him. I know he is glad to yield, but I was unaware that he had the floor.

Mr. McCORMICK. Mr. President, I think that the point made by the Senator from Montana is very well taken, and if I may have the time I shall endeavor to modify my amendment and offer other language in lieu of that to which he objects.

Mr. BRANDEGEE obtained the floor.

Mr. CUMMINS. Mr. President——

Mr. BRANDEGEE. Does the Senator from Iowa desire me to yield to him?

Mr. CUMMINS. No; I do not.

Mr. BRANDEGEE. Mr. President, I shall detain the Senate only for a few moments. I do not think the statement of the Senator from Mississippi [Mr. WILLIAMS] that this is not a Government board ought to pass entirely without some comment. I do not pretend to be particularly familiar with this bill, as I am not a member of the committee which reported it; but I notice that section 7 provides:

> There is hereby created a transportation board, which shall be composed of five members, to be appointed by the President, by and with the advice and consent of the Senate.

That clearly provides for the appointment of a Government board. It is just as much a Government board as is the Interstate Commerce Commission a Government board.

I read from the print of December 15; and in that print, on pages 63 and 64, it will appear that there is provision for special boards to be appointed by the transportation board; and one part of the amendment adopted by the Senate, which is on the page to which I refer, to wit, page 64, provides:

> If the special board of adjustment is evenly divided upon any question, the matter in dispute, together with all records of proceedings pertaining thereto, shall be referred to the board, whose decisions shall be final. The board shall certify to the commission all decisions of the special board of adjustment when approved by said board and all decisions by said board in cases referred to it promptly upon deciding the same, and said certificate shall be conclusive evidence before the commission of the matters so determined and certified.

There is a decision arrived at by the special board, and when approved by the transportation board it is sent to the Interstate Commerce Commission, and the approval by the transportation board, of course, is its decision, and it is just as solemn and judicial a decision upon the findings and testimony and consideration of all the facts in the case as could be had upon a trial in court; and to say that the parties to a controversy, having submitted their case to a specially created tribunal created by the Congress of the United States for the consideration and decision of their disputes, after that decision had been solemnly rendered and the verdict pronounced could disobey it with impunity would be to haul down the American flag and to dissolve the Government.

Of course, I consider the Senator from Iowa, the chairman of the committee, entirely correct in saying that if that does not

constitute a decision by a tribunal of the United States which should be respected and whose decision should be enforced, then there can be no such thing as judicial authority or respect for it in this country.

Mr. LENROOT. Mr. President, like the Senator from Delaware [Mr. WOLCOTT], I voted against the motion of the Senator from Kentucky [Mr. STANLEY] to strike out because his motion included the striking out of all of the provisions with reference to wage-adjustment boards, of some of which I am very much in favor. I shall support the amendment of the Senator from Illinois as he proposes to modify it because I believe it to be much less objectionable than is the proposition contained in the bill itself.

Just a word with reference to what the original language, in my judgment, will accomplish.

The Senator from Iowa says that in his judgment all of the provisions of the bill with reference to the adjustment of wage disputes will be valueless unless there is this penalizing clause to compel and command respect to those decisions. If I misunderstood him, I hope he will correct me.

Mr. CUMMINS. Mr. President, I do not think the Senator from Wisconsin did misunderstand me, but I want one very clear distinction made, because I must not be drawn into a false position. I do not think the Canadian statute is valueless.

Mr. LENROOT. No.

Mr. CUMMINS. But what I said was that if we created Government tribunals for the adjudication of these disputes their work would be valueless unless their decisions were to be respected and obeyed.

Mr. LENROOT. Unless the law compelled respect for the decision.

Mr. CUMMINS. Yes; unless there was some sanction, some penalty for such a violation of the adjudication as is found in these sections of the present bill.

Mr. LENROOT. That is exactly as I understood the Senator.

Mr. CUMMINS. I did not want the Senator to imagine that I thought the conciliation law of Canada was entirely valueless.

Mr. LENROOT. Oh, I did not so state. I stated that, as I understood the Senator from Iowa, his contention was that if these penalizing sections of the committee bill were stricken out the provisions with reference to the adjustment of wage disputes would be valueless.

Mr. CUMMINS. That is my judgment.

Mr. LENROOT. Yes. Now, Mr. President, while I fully agree with the Senator from Iowa that there should be some provision made which would prevent coercive strikes against the decision of a fair tribunal, I can not agree with him that the decisions of a fair tribunal would be valueless, because when the Senator makes that statement he assumes that in these cases, unless it is made a criminal offense, the employees of the roads will not abide by the decision; and I can not assume any such thing if there is a fair tribunal making a fair decision.

To my mind, however, the chief objection to the committee proposition is this:

While in the language of the bill itself it refers only to a conspiracy in restraint of interstate commerce, what will be the construction given to that language when it comes to adjudication by the courts? In arguing that question, it is fair to recall the attention of the Senate to the construction given to this language by the committee itself, by the chairman thereof. Let me read from the report:

> A proposal to prohibit an agreement among workers to quit their employment at a given time—

It says nothing about interfering with interstate commerce or hindering it, but—

> a proposal to prohibit an agreement among workers to quit their employment at a given time without substituting some other instrumentality for securing justice would not receive at the hands of Congress a moment's consideration.

What is the conclusion from that language? That the committee, in its opinion, has furnished some other instrumentality, and that the committee's construction of this language is that it does contain a prohibition of an agreement collectively to quit work.

It goes on:

> In making the strike unlawful—

Not distinguishing between the purpose of the strike to restrain or interfere with interstate commerce or a quitting in a collective body because the employees are not satisfied to continue longer under the terms of employment, but, using the general language—

> In making the strike unlawful it is obvious that there must be something given to the workers in exchange for it. The thing substituted for the strike should be more certain in attaining justice and should do what the strike can not do, namely, protect the great masses of the people who are not directly involved in the controversy. The committee has substituted for the strike the justice which will be administered by the tribunals created in the bill for adjudging disputes which may hereafter arise.

Now, what will be the construction of the courts if this language should finally be enacted into law? I have no doubt that in a very large number if not in a large majority of the cases where there was a collective quitting of work, although there may have been no coercive purpose whatever in it, the courts will imply from the act of quitting a violation of the provisions of this section; and I think anyone who is familiar with the course of the decisions will agree, not perhaps as to the percentage of cases where that would occur, but that that would be a very frequent occurrence.

Mr. President, it would have been easy for the committee to prevent coercive strikes—which are the only ones that we have any right, under the Constitution, to attempt to prevent—by providing in this bill that the decisions of this tribunal should be final for a given length of time and that for that time there would be no power, either in the carrier or in the tribunal, to grant any demand for any greater compensation to the employees than was fixed in that decision. Remove the incentive to strike and you will prevent coercive strikes and you will not need to make a criminal offense not only for coercive strikes but punishing them for doing what they ought to have the lawful right to do.

Mr. President, if these sections shall be ultimately stricken out, I shall offer an amendment to the previous provisions of the bill providing that if any employee whose wages are affected by the final decision of this tribunal shall quit the service of the carrier by which he is employed, he shall not for a period of four months thereafter be employed by any carrier subject to the act at a greater rate of compensation than that fixed in such final decision. So far as we have any right to interfere with the employee, that will accomplish it; but it will not in the slightest degree interfere with the exercise of the lawful right of the employee, in the absence of a contractual relation, to quit work when and as he may choose.

Mr. President, in my judgment, we certainly have no right to compel men, either singly or collectively, to work for a railroad against their will; and, to repeat the illustration that I think I used the other day, suppose that when this bill passes and these railroads go back to their owners the wages are reduced 25 per cent, and this tribunal—which is the transportation board in this bill, a tribunal which in all probability will be made up of former railway executives—approves that cut of 25 per cent. Are you going to put 2,000,000 men in jail in this country because they collectively agree that they will not longer remain in the service of the carrier at that wage? Yet that is exactly the situation that may well arise if the pending provisions of the bill are enacted into law.

Mr. WOLCOTT. Mr. President, I wish to offer an amendment to the amendment offered by the Senator from Illinois [Mr. MCCORMICK].

On page 4 of the amendment offered by the Senator from Illinois, as printed, in line 1, I move to strike out the words "ceases or quits work in combination with other employees thereof," insert a comma after the word "who"; and on line 7, after the word "employment," insert the matter which I will not read, but send to the desk and ask the Secretary to read.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Secretary will state the amendment to the amendment proposed by the Senator from Delaware.

The SECRETARY. On page 4, lines 1 and 2, strike out the words "ceases or quits work in combination with other employees thereof"; and, in line 7, after the word "employment," insert "enters into any combination or agreement for the intent substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce, or in pursuance of any such combination or agreement, and with like purpose, substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce, shall be guilty," and so forth.

Mr. McCORMICK. I accept that amendment.

The PRESIDING OFFICER. The Senator from Illinois accepts the amendment, which he has a right to do. The question is on the amendment as modified.

Mr. CUMMINS. Mr. President, I see by a reference to this amendment that the Senator from Illinois has attempted to cover the objections which I had in my mind. It seemed to me rather doubtful whether we could take possession of an employee of a common carrier, simply because the carrier was engaged in interstate commerce, and penalize him for any-

thing that he might do. But I see now that the Senator from Illinois has incorporated into his amendment substantially the same language that is outlined in the bill itself upon that point.

Therefore the objection I have to urge, Mr. President, is just what I urged before, namely, that it seems to me that we are put in the intolerable position of creating Government instrumentalities, Government boards, to adjudicate the merits of a controversy between an employee or a number of employees and their employer, and after the adjudication is entered and the whole country advised that the Government has found that the employer is wrong, or that the employee is wrong, then the employer may disregard it entirely and lock out the employees and cease to operate its transportation system; and if the employees do not want to abide by the judgment of the Government, they may combine and conspire to interrupt, hinder, delay, and prevent commerce between the States, although the controversy has been submitted to the duly constituted agents of the Government and has been decided.

I do not believe, Mr. President, that a procedure of that kind will tend to prevent strikes nearly so effectively as the procedure we have proposed in this bill, nor do I believe that there would be the same sense of responsibility upon the part of the agencies of the Government which entered upon the investigation and which rendered the decision. If no one is obliged to obey or respect it, if the carrier the next moment can say, "I will not pay the men the wages which the Government has said I ought to pay them," and if the employee can say to his fellow employees, "Come, we need pay no regard to what has been done; we can combine and conspire to our hearts' content to secure and enforce the demands which we originally made," it seems to me that we will not have gone very far toward the settlement of disputes and securing industrial peace. All we want, of course, is industrial continuity and regularity. We want men to receive good wages and we want them to work under fair and proper conditions; but why submit that to the Government save through tribunals of investigation, such as congressional investigating tribunals? These boards would be of no greater value than an investigation by Congress, with a publication of the facts elicited in the investigation; probably less valuable.

If we adopt this amendment I can not think that we will have responded to the demands of this time. I am not speaking of the demands of capital, I am speaking of the demands of the great peace-loving and orderly hundred millions of people who believe that there ought to be some way of adjusting these disputes as they arise, a way that will secure the regularity and the continuity of commerce among the States.

I can only repeat my hope that the amendment will not be adopted.

Mr. JONES of Washington. Mr. President, I want to ask the Senator from Illinois a question. Section 29 of the bill as reported reads as follows:

> Any carrier or any officer of any carrier knowingly refusing to obey the decision of said committee after it has been approved by the board or of said regional boards of adjustment, or of the board in cases referred to it as hereinabove provided, shall be guilty, etc.

In other words, all that is necessary to make the carrier, or an officer of the carrier, guilty is to show that the decision has been rendered and approved and that the officer has knowingly refused to obey it. What does the Senator's amendment provide in that respect? Does it permit the carrier or officer of a carrier after 60 days to disregard the opinion or decision of the board?

Mr. McCORMICK. The Senator may learn as much if he will turn to the amendment.

Mr. JONES of Washington. I have not had an opportunity to do it. I had a copy of the amendment awhile ago, but lost it, and when I went to look for it could not find it. I thought the Senator could tell me.

Mr. McCORMICK. The same provision holds for one as for the other.

Mr. JONES of Washington. In other words, after 60 days a carrier or officer can refuse to obey the decision.

Mr. McCORMICK. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dial	Harris	Lenroot
Ball	Dillingham	Harrison	McCormick
Bankhead	Edge	Henderson	McKellar
Borah	Elkins	Hitchcock	McNary
Brandegee	Fernald	Jones, N. Mex.	Moses
Calder	Fletcher	Jones, Wash.	Myers
Capper	France	Kellogg	New
Chamberlain	Frelinghuysen	Kendrick	Nugent
Colt	Gay	Keyes	Overman
Cummins	Gerry	King	Phipps
Curtis	Hale	Knox	Poindexter
Pomerene	Smith, Md.	Sterling	Walsh, Mass.
Ransdell	Smith, S. C.	Sutherland	Walsh, Mont.
Sheppard	Smoot	Thomas	Warren
Sherman	Spencer	Trammell	Williams
Smith, Ga.	Stanley	Underwood	Wolcott

Mr. CURTIS. I have been requested to announce that the Senator from Ohio [Mr. HARDING] is detained from the Senate on official business.

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment as modified.

Mr. POINDEXTER. Mr. President, as I understand the purpose of the amendment of the Senator from Illinois [Mr. McCORMICK] it would prohibit employees of the railroads from conspiring to impede or interrupt interstate commerce while the question in dispute was under investigation, but would not prohibit them from doing so after the board which was investigating the matter had decided the dispute.

I am very much impressed with the idea that if any distinction is to be made as to whether they shall be prohibited from impeding or interrupting interstate commerce one time or the other with reference to the decision of an official tribunal which is investigating the case, it would be much more logical to do it after it had decided rather than before. After the decision then there is an official finding, a fixed point, so far as in the defects of human reason it is possible for the Government to arrive at a fact in a controverted question, something upon which action can be taken.

It would be perfectly reasonable, at least there might be advanced good reasons why, before that point had been arrived at, no inhibition should be imposed upon the men, and that after it had been arrived at they should be bound by the official finding of the Government.

So it seems to me that the amendment, instead of dealing reasonably with the problem to which this section relates, puts it upon a very illogical ground.

As to the bill itself, a great deal has been said before the committee and before the Senate about the great wrong of compelling men to work against their will, a form of slavery. Instead of doing anything of that kind, the bill expressly provides in language so clear that no possible doubt could be entertained that no man shall be interfered with in his right to quit work. What it prohibits is not the quitting of work. There is nothing even said about a strike in the bill. It prohibits the men from conspiring together to interfere with interstate commerce. It provides a means by which disputes between employers and employees in regard to wages and conditions of labor can be officially determined.

If two citizens have a dispute with each other about a piece of property, they are required to go into an official tribunal for the settlement of that dispute. One of them is not allowed to enforce his claim against another by violence. A dispute between one set of people in the country, we will say the employees, and another set, we will say the employers of the railroads, about wages, is a dispute really about values; it is a dispute about money, and if there is in the principle of our Government the necessity of requiring individual citizens to submit disputes about property to the courts in order that peace may be maintained and the security of person and property preserved by an orderly procedure under the Constitution, I fail to see why a dispute which is just as much a dispute about values and about property as the individual dispute about a piece of land or personal goods should not likewise be required by law to be submitted to an official tribunal in order that its decision might take the place of the violence of one party or other.

Before the Interstate Commerce Committee representatives of the employees appeared and objected not only to the so-called strike provision, but objected to the wage-adjustment board and all of the machinery that is provided for the settlement of disputes. They were asked what they would substitute for that official tribunal in the settlement of disputes. They said they would substitute for it the labor union.

There, Mr. President, seems, so far as the position taken by those particular representatives of organized railway employees is concerned, although stated in that comparatively mild form, the full extent of what is called direct action. That means the elimination of the Government in the settlement of disputes and the vesting by the employees in themselves of the sole power of determining the question. If it is to be left to the organized employees, then it will be left to one of the parties to the dispute to decide upon its own case. How would they decide it, and what is there that is to be viewed in the interest of the public as well as the employees and the railroad companies? The same thing that is involved when we prevent, if we can, with all the power of the Government, the coercion and intimidation of public officials. If men engaged in a dispute should surround Congress

with a cordon of bayonets and declare that the Members should not leave the building alive until this law should be passed or that law should be defeated, it would be no more the application of force and violence in the processes of Government than if they should suspend transportation or should cut off the supply of fuel or when they should say to the millions of our people that they shall not have food to sustain life until their demands as to dollars and cents are granted.

The purpose of the section of the bill at which the amendment is aimed is to substitute law for force in the settlement of disputes between citizens. The entire principle of orderly government is involved. It is only from the tolerant indifference of the American people, inculcated by the great fortune which we have enjoyed and the abounding riches of the land, that we have tolerated so long the violence, the intimidation, the suffering, and the death which have come from the common practice of the use of force in the form of the suppression of industries essential to life as a means of settling private disputes.

It seems to me that the time has now come in the increase of this evil in its extreme form, in recent months, to cast aside the indifference with which we have treated it in the past and to deal with it as a vital governmental problem, to apply to it the same principles of constitutional power that regulate the action of individuals. Why should men, because they are numerous or because they are organized, be put into a different class in their relations to the Government and to the law from individuals who are not organized, but whose property and whose lives and whose actions are just as important to them as are the desires of those who control great combinations, whether of labor or capital.

The only difference is that one has more power than the other; and so the question arises whether certain classes shall be allowed with perfect impunity merely because they have power, because they are numerous, because they are so situated that they can apply violence, can interfere with transportation, with the distribution of the necessities of life—because they have power, that we shall give them the special privilege of determining for themselves the industrial controversies in which they are engaged?

There is not anything in the Constitution of the United States which requires the Government to make such an exception, and there is nothing, in my opinion, in the mere fact that they are strong or numerous or organized that justifies the adoption of such a governmental policy. On the contrary, it seems to me that by reason of the very fact that they are powerful, that they attempt to intimidate the Government, that they can cause suffering to the entire Nation, they should be subjected to the power of the Government, acting through the laws of Congress and the administration of tribunals established thereunder in the settlement of disputes as other people are subject.

Mr. WILLIAMS. Mr. President, I should like to call the attention of the Senator to the point that the bill does not even go to the extent of subjecting them to governmental orders of any description. It goes only to the extent of making them submit their controversies to an arbitral board consisting of four of their own representatives and four of the representatives of the opposite interest. Although it is a governmentally appointed board, it is not a Government board.

Mr. POINDEXTER. Although it is true, as the Senator from Mississippi says, that the employees have 50 per cent of the membership of the board, yet it is a tribunal that is established by law and thus is a Government institution.

Mr. WILLIAMS. Why, Mr. President, of course, that is true. It is a governmentally appointed board, just like a bipartisan board of two Democrats and two Republicans might be governmentally appointed, but it would not represent the Democratic Party nor the Republican Party nor the Government; it would represent the conflicting interests.

Mr. POINDEXTER. But that is a mere academic question, Mr. President.

Mr. WILLIAMS. Oh, no; it is not academic, because it is very peculiarly intimate and essential.

Now, if the Senator will pardon for one moment longer, there is an essential difference between a bureaucratic board appointed by the Government outside of all the interests concerned and a mutually interested board appointed by both parties and both appointed by the Government. My objection to this scheme, if I had one to make——

Mr. POINDEXTER. Mr. President, I will have to decline further to yield just now because I am going to conclude in a moment, and then I will yield the floor to the Senator.

Mr. WILLIAMS. I wanted to say——

Mr. POINDEXTER. I decline to yield further at this moment.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. POINDEXTER. This bill does not even require the employees, as the Senator from Mississippi has stated, to submit their disputes to the tribunal which is provided by the law. It establishes a tribunal and permits them to submit their disputes to it if they see fit. They do not have to do so; they need not remain in the employment in which they are engaged if they do not care to do so. What the law does provide is that they shall not use the instrumentality of interfering with or cutting off interstate commerce as a means of enforcing their will upon the Government and upon the people of this country in the settlement of their disputes.

In regard to the nature of the tribunal I fail to see that the fact that each side is represented changes its character in any way as a governmental tribunal. As just suggested by the Senator from Iowa [Mr. CUMMINS], the chairman of the committee, the findings of this board do not go into effect until they are approved by the transportation board.

Now, Mr. President, I want to say in justification of my vote against this amendment that at various times in the past I have engaged in efforts to break up what I have regarded as control of political parties in this country, and, through that, the control of the Government, by special interests. I regard the question that is now presented by this section and by the amendment as an identical question, although the special interest is a different one. There is no principle in our Government which should tolerate the control of the Government or of any of its functions by any special class, whether it is that of business or of capital or of organized labor. All should be treated with absolute fairness, but special exemption or special power should be given to none.

So far as the people of this country are concerned, organized labor need not fear to submit its just and reasonable claims to the sympathy and conscience of the American public. It will find a liberal consideration and generous action on the part of the people at the polls and through their governmental agencies in providing for labor adequate wages and reasonable conditions of work. For those things I have stood and continue to stand; but I stand also, Mr. President, for the principle that the Government is a government by the people, that it is superior to labor and it is superior to capital, and must be for all and supreme over all.

Mr. WILLIAMS. Mr. President, in the first place there never was a government by the people—there never has been and there never will be. There is a government by the representatives of the people, and the people are trusted to choose representatives. Outside of the remote Greek and Italian cities—the Greek cities in ancient times and the Italian cities in the Middle Ages—there never was any government that pretended to be a government by the people. There have been governments for the people and of the people by the representatives of the people, and that is the sort of Government we are. All the falderal talk about a government by the people—by Jim and Sam and Dick and Peter and John—is absolute foolishness. It never occurred outside of a little city, and it never will occur, even inside of an American State—not even in Delaware or Rhode Island, where you can cross the border in three jumps. So much for that.

Mr. President, I come to the immediate point under discussion; and if the Senator from Washington [Mr. POINDEXTER] had yielded to me a little longer I would have made it clear, and would not have had to have taken my feet to talk about it now. The difference between arbitration for the settlement of a controversy and settling a controversy by one's own power, perforce, is so immense that nobody needs draw the distinction. This bill merely fixes a method of appointing arbitrators. It does not even go to the extent that the Senator from Washington seems to think it goes. There is no Government board at all. It is a governmentally appointed board, but it consists of four representatives of the employees and four representatives of the employers. It is just as if the United States said to Great Britain in connection with some Canadian fishery question: "We will appoint two men and you will appoint two men, and, if necessary, they will appoint a fifth." This bill does not even go to the point in saying that, if necessary, they will appoint a fifth.

The trouble with the bill is that it leaves a certain degree of impotency in the very verbiage of it. There might come a time when the representatives of labor would say one thing and the representatives of ownership would say another thing, and then the public would be helpless. Of course, we are all hoping that

that will not happen, but there is no reason to object to the provisions of the bill on that account. There might be reason to object because the bill does not go further and appoint an arbitrator who would represent the public; there may be reason to object because the bill does not go further and appoint four more men who would represent the public. The weakness of the provision consists in the fact that you are left with four men on one side and four men on the other side, and perhaps they will vote as the Democratic and Republican Senators and judges did in the Hayes-Tilden election—strictly according to party lines. We all thought at that time that there could not be organized a tribunal consisting of five Senators, five Members of the House of Representatives, and five judges of the Supreme Court that would all vote according to party lines, but they did, and they voted strictly along party lines. You may find this thing to fail in that respect, but you will not find it to fail in the respect in which the Senator is questioning it.

The provision as it is ought to pass, not because I can not improve it, not because the Senator from Washington can not improve it, but because it is the best thing we can get right now. Let it go to some sort of conference, and let something come out, and let the American people be satisfied about it somehow.

Mr. President, if there is anything I despise it is the idea of compromising on a principle, but now and then I am brought up taut where I must compromise on a principle, and I am brought up in this bill with that situation. The Senator from Washington can not object to the bill upon the ground that it is a governmental agency, because it is not; I can not object to it upon that ground. I might object to it, if I wanted to, upon the ground that they had arranged the arbitral tribunal so that perhaps it might nullify itself and could not do any particular good; but after it goes into operation, then we will find out that we must settle that issue at some time, and we must appoint some other members of the board of arbitration.

The main thing, however, Mr. President, consists in this—and that is possibly where the Senator and I might take issue with one another—I say that there is no sort of controversy between man and man, no sort of controversy between capital and labor, no sort of controversy between one industry and another industry, and no sort of controversy between nation and nation that ought not to be settled by fair arbitration rather than to be settled by blood. Of course, when international controversy as now constituted comes, it is settled by the blood of armies and navies; when industrial controversy comes to be settled, it is by the blood of policemen's billies upon the heads of men who are striking or by strikers' billies upon the heads of "scabs," but, all the same, the eternal, everlasting rule still prevails that out of the fatherhood of God and the brotherhood of man, men ought never to confess, no matter how impotent, weak, and despicable they may be, that in any international or interindustrial or interclass war they can not settle it by fair arbitration. The only question is how shall you erect the arbitral board?

This bill erects an arbitral board that is half and half. It ought to be third and third—third labor, third capital, and third public—but, at any rate, if we erect it half and half—half capital and half labor—we have gone that far and that is further than we have ever gone before. That is better than for some men to kill other men who want to work because they say they are "scabs"; that is better than for Pennsylvania mounted guards to kill men because they are striking; that is better than arraigning the whole public animosity of one or the other class in the United States to be arraigned for one class against another without refuge. That is better than waiting for the millennium, when men will agree not to quarrel. Men will always quarrel, and the only thing left is to fix some sort of arbitral tribunal that can settle their controversies; and an honest man, a straight man, who confesses the fatherhood of God and the brotherhood of man, will always submit his controversies to a tribunal outside of himself and outside of his own interest and not in his own interest. He will do that industrially, internationally, interclassically, just as we do when man meets man before a court of justice in a civilized community.

In Turkey you can not find where man meets man before a judicial tribunal; you can not find it in Arabia; but you find it in America, you find it in England, you find it in all the Anglo-Saxon countries, you find it in all civilized countries.

Mr. President, the whole thing comes down to this, and it has got to come to that finally: Nations, classes, industrialism, everything, must agree to have controversies settled by a fair arbitral tribunal of some sort erected for the purpose of settling those controversies. In erecting the tribunal, of course, many mistakes will be made—at the beginning a great many, and later on, by evolution, they will be corrected—but the everlasting word of God is that you must not be the judge in your own quarrel. Whether a national quarrel or an industrial quarrel or an individual quarrel, you must not set yourself up to be the judge in your own quarrel. Neither the United States must do that, nor the labor organizations within the United States must do that, nor the capitalists within the United States must do that, nor must you do that.

There is a higher law than you or me. There is a higher law than capital and labor. There is a higher law than the United States. There is a higher law than any nation that ever existed, and that is the law of justice, and of seeking some tribunal that must administer justice, and must administer justice by preconsent, by consent granted beforehand, by free-will.

Mr. WALSH of Montana. Mr. President, in my opinion the only justification there is for legislating at all upon the subject with which we are now dealing is to avert, if possible, the unspeakable calamity, involving 110,000,000 people, which would result from a general tie-up of the railroad systems of the United States; and if we undertake that task at all it seems to me we ought to go to the logical conclusion in it and not deal with it in a halting, half-hearted way, stopping at a way station.

If, Mr. President, it is, as has been asserted, involuntary servitude to make it penal to foment, incite, engineer, or conduct a strike in violation of the final adjudication of an arbitral tribunal, it is no less involuntary servitude to make it penal in the same manner to do the same things prior to the final adjudication; and I made the suggestion that I did a short while ago to the Senator from Illinois, whose amendment is now before the Senate, in order to emphasize as well as I could the idea that it is entirely unsound to say that the provisions of the bill as it has been reported involve involuntary servitude at all.

But, Mr. President, I want to call attention to what I believe to be a fatal vice in the plan represented by the amendment proposed by the Senator from Illinois, namely, that that arbitral tribunal, called upon to determine in the final analysis what is a just or fair wage, recognizing that, notwithstanding the adjudication it may make, a strike may nevertheless be fomented, incited, engineered, and carried on, will be acting under the greatest possible compulsion to render a decision which inclines beyond what justice would require toward the demands of those who might thus precipitate the strike.

Mr. President, we are legislating upon this subject because the Congress of the United States heretofore has been called upon to legislate in the very face of an impending strike, and in order to avert the catastrophe that would follow by reason of it. Whatever may be said about the Adamson Act that was passed in 1916, I believe that the Congress of the United States was entirely justified in the legislation at that time. It was enacted at that time not because the principles it involved or the remedy it provided were deemed to be entirely just and right. There can be no doubt that many yielded their judgment, if they had any, about the matter simply to avert that kind of a catastrophe. Under the plan proposed by the Senator from Illinois that arbitral tribunal will be under exactly the same kind of compulsion. It should be relieved from any influence of that character. It should be relieved from any dread that such a result might ensue by reason of the judgment which it renders.

Mr. President, whenever you take away from the laboring men of this country, or any part of them, the right to strike—that is to say, to engineer and carry on a strike, and precipitate a universal cessation of labor in their particular employment for any purpose whatever which may be lawful in its character—you must thereupon give to them a tribunal before which they may go and be heard concerning the just and fair wage which they ought to receive, or the change in conditions which they demand. When you do that, Mr. President, they, as law-abiding citizens, ought to yield cheerful obedience to the adjudication thus rendered, just the same as every man in this country is obliged to submit his controversies with his neighbor to a court, and to abide by the decision. But, Mr. President, that tribunal ought to be fairly constituted. It ought to be so constituted as that there can be no doubt that justice will be done in the determination as to what is the fair wage or the proper conditions.

It is suggested in this connection that this particular tribunal, the transportation board, to which the matter may ultimately come, is not a fair tribunal. If so, Mr. President, it ought to be displaced, and the power ought to be reposed in some other body, constituted in some other way, so that the disposition to decide against the laboring man, if any such disposition could be deemed to exist, would be entirely removed.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH of Montana. If the Senator will pardon me a moment, it is suggested that this board will be composed of railroad men, with prejudices against the operatives. I see nothing in the bill which leads me to believe that that board will be composed of men skilled in the operation of railroads and in the management of railroads. They are not charged in any way with the operation of these railroads. They are not charged, as is the present Railroad Administration, with the financing and the general operation of railroads.

All those tasks are returned to the owners of the roads and to their representatives, the officers of the corporations that own them. Supervisory powers of a large and wide character are given to the transportation board; but there is no reason for assuming, so far as I can see, that they are to be selected from men trained in railroad work or from railroad managers. But if that is the case, Mr. President, it simply affords a justification for a remodeling of those sections which repose the adjudicatory powers in that transportation board, and some other board ought to be constituted. That is no reason, as it seems to me, why we should hesitate to make it penal to disregard the final adjudication of the arbitral board.

I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, it seems to me that this matter of final arbitrament ought not to be put in this transportation board, because the board, under the terms of this bill, will have general supervision of the management and control of the railroads themselves. If they are not trained railroad men they ought to be trained railroad men, and they will be obliged to be trained railroad men before they have been there very long. Under those circumstances, it seems to me that in order to be absolutely fair and just to both sides of the controversy we ought to have a fair tribunal of which no one can complain.

I agree with the Senator about the necessity of having some tribunal, but to my mind it ought not to be in the slightest degree capable of being charged that the final arbiter will be biased in any way whatsoever. For my part, I do not know how they can be selected. I am rather inclined to think that the Interstate Commerce Commission, which has shown itself fair toward all persons, toward the public and toward the railroads, and toward the employees of the railroads, would be a better arbiter than this untried board that is to be, by the terms of the bill, composed of three members from one political party and two from the other, and liable to be changed by the incoming administrations. It does not seem to me that that is the fair and just tribunal of arbitration to which the Senator gives his approval.

Mr. WALSH of Montana. Mr. President, the Senator will not understand me at all as having given my unqualified approval to reposing these powers in this particular board. I am not discussing that matter now, and, indeed, Mr. President, I should like very much, indeed, to have some one tender an amendment which would contemplate reposing these final arbitral powers in some other board constituted in some other way, so that we could have an enlightened discussion concerning the wisdom of reposing those powers in this particular board. That is not the proposition I am talking about. That is no reason whatever why the determination of the arbitral board should not be final and its adjudications enforced by penal provisions.

I insist, Mr. President, that that argument is an argument which merely goes to the necessity of a revision of the other provisions of the bill under which these powers are thus reposed in the transportation board. If there is no valid objection, Mr. President, to the discharge of these duties by that board, rather than by some other board constituted in some other way, there seems to me no reason for objecting upon that ground to these provisions making penal a disregard of the final adjudications of the transportation board.

Mr. McKELLAR. Mr. President, before the Senator takes his seat I should like to ask him to state his view on one point. I have very great respect for the views of the Senator from Montana on any question to which he devotes his attention, and before he takes his seat I would like to have his views on the value of the Canadian system, such as the Senator from Illinois has proposed here. What are the reasonable objections to that? If the Senator discussed it while I was temporarily out of the Chamber he need not repeat the discussion.

Mr. WALSH of Montana. I spoke about it only briefly. My study of the Canadian system leads me to believe that it is substantially the same in principle as that of the amendment tendered by the Senator from Illinois [Mr. McCORMICK], and I am urging that we ought to go to whatever length we can, and not leave open, if we can avoid it at all, the possibility of the unspeakable calamity upon 110,000,000 of people of the tying up of the entire transportation system of this country, with all the misery that that condition necessarily entails.

In the second place, I urge that there is a fatal vice in that system, because the transportation board, finally dealing with the problem upon which the other adjustment board was divided in opinion, will be always acting under the dread and fear that there will be a strike, regardless of the decision which they may make in the case, and that, therefore, they will be operating under a compulsion and a coercion to which we ought not to subject them.

That is why we are legislating about the matter now. We are legislating upon the subject now in order to escape such a calamity. We are legislating upon the subject so that the Congress of the United States will not be, as it has been in the past, legislating in the face of an impending strike, with all of the misery that that entails.

The Senator from Tennessee will agree that that situation of affairs is not conducive to the very best kind of legislation, and equally it is not a condition to which judges ought to be subjected in the determination of a great controversy.

Mr. McKELLAR. I will say to the Senator that I am very much in favor of arbitration, but I can not give my consent to any kind of arbitration that I do not believe gives both sides an absolutely fair and square deal; and I do not think this provision of the bill does give both sides that kind of a deal.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Illinois.

Mr. SMOOT. Mr. President——

Mr. McCORMICK. I understand the Senator from Utah wishes recognition in order to submit a report. I can not agree to that pending a vote on this amendment. I make the point of no quorum now.

Mr. WALSH of Montana. Mr. President, I make the point of order against that. My understanding is that no business has been transacted since the last quorum call. I think we can get a vote on it.

Mr. McCORMICK. If the Chair holds that debate constitutes no business, of course the point is well taken.

The PRESIDING OFFICER. Debate is not business.

WAR RISK BUREAU PAYMENTS.

Mr. CUMMINS. I understand the suggestion of the Senator from Utah [Mr. SMOOT] is that he has a bill he wishes to report, in which all Senators are very much interested, and about which there is no difference of opinion, it being for the benefit of those who suffered in the war. I am perfectly willing to allow that bill to be passed. I am assuming that it will lead to no discussion.

Mr. SMOOT. From the Committee on Finance I report back favorably with amendments the bill (H. R. 8778) to amend and modify the war risk insurance act. I ask for its present consideration. I feel certain that it will lead to no debate. If it does, I will withdraw it immediately.

Mr. McCORMICK. I have no objection.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent for the immediate consideration of the bill.

Mr. POINDEXTER. Mr. President, may I ask the Senator from Utah whether this is the so-called Sweet bill?

Mr. SMOOT. It is the Sweet bill, I will say to the Senator.

Mr. POINDEXTER. My attention has been called to a large number of proposed amendments to the bill, suggested in the interests of the soldiers.

Mr. SMOOT. I will say to the Senator that the commander in chief of the American Legion spent nearly two hours with me yesterday afternoon upon the amendments agreed to, and I will say that he and other members of the American Legion desire to have the bill passed as I have reported it at the earliest moment possible. If the Senator wants any information on it I will be glad to give it to him.

Mr. POINDEXTER. It is a House bill?

Mr. SMOOT. It is a House bill—the so-called Sweet bill—which I was directed to report from the Finance Committee.

Mr. POINDEXTER. With amendments?

Mr. SMOOT. With amendments.

Mr. POINDEXTER. With amendments to the House bill?

Mr. SMOOT. Yes; to the House bill.

Mr. KIRBY. I suggest that the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. POINDEXTER. I will ask the Senator from Utah if the bill deals with the establishment of the War Risk Insurance Bureau?

Mr. SMOOT. Not at all. That is provided for in another bill. This deals with the compensation for the disabled soldiers.

Mr. POINDEXTER. It does not in any way change the administration of the act?

Mr. SMOOT. Not at all.

Mr. WALSH of Montana. I desire to inquire of the Senator from Utah whether this is a unanimous report of the committee?

Mr. SMOOT. It is a unanimous report of the committee.

Mr. WALSH of Montana. On the House bill or the Senate bill?

Mr. SMOOT. It is a House bill with amendments.

Mr. FLETCHER. It is known as the Sweet bill?

Mr. SMOOT. Yes; the Sweet bill.

Mr. KIRBY. Has it been considered in the Senate before at all?

Mr. SMOOT. No; I am just reporting it from the committee.

Mr. KIRBY. I myself have never seen the bill before.

Mr. SMOOT. I want to say that the Director of the Bureau of War Risk Insurance expects that this bill is going to be enacted into law before the end of this month and has already directed that checks for the present month be made out for the disabled soldiers on the basis of this bill. This bill ought to be passed this evening. It may have to go to conference.

Mr. CUMMINS. If the matter develops into debate, I shall ask the Senator to withdraw it.

Mr. FLETCHER. I think it is a very important measure and ought to have been passed long ago.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill. Debate is out of order.

Mr. WARREN. I ask that if the bill is to be read we may have order so that we may hear it.

Mr. BORAH. Mr. President, may I say a word in regard to this matter? I understand this bill carries about $80,000,000, and is, aside from the amount, of great importance. I have had a great deal of correspondence with regard to this matter. I have now some 15 or 16 amendments on my desk which were presented to me yesterday by a member of the legion, asking that they be inserted or be submitted to this bill. I do not know that I should be able to answer the gentlemen who asked me to offer these amendments, if I should find out afterwards that they were not on the bill, as to why I did not see to it. It does seem to me, Mr. President, that however important this measure may be, and however just and wise it may be, we have some duty to perform in regard to it, and that is to see that it corresponds with what we think it ought to have in it. We ought to be permitted to read it and know its terms. It may be just what we want, but it may be defective in some respects. Let us at least know what we are doing.

Mr. SMOOT. I do not know whether the Senator from Idaho was in the Chamber when I made the statement that I spent nearly two hours yesterday with the commander in chief of the American Legion and other soldiers in discussing the amendments to the House bill, and all want this bill passed.

Mr. POINDEXTER. Mr. President——

Mr. BORAH. I assume that the bill will be passed, and I assume that it ought to be passed. But may we not have at least 12 hours in which to read it and look into it——

Mr. SMOOT. Mr. President, I will withdraw the bill.

Mr. BORAH. And to know that these things which are to be incorporated in it are in it? I think it is an extraordinary procedure to pass a bill carrying eighty millions of dollars which the Senate of the United States does not know a thing about.

Mr. SMOOT. It is an extraordinary request, Mr. President, but we must remember it is for an extraordinary set of men.

Mr. BORAH. Precisely so, and for an extraordinary set of men, and for that reason it is extremely important that every man in this Senate Chamber should know that he has done his duty when it shall have passed. Let us do what we ought to do for these men, but be sure that we are doing the right and proper thing.

The PRESIDING OFFICER. The Senator from Utah has withdrawn the bill.

Mr. KIRBY. I would suggest that the Senator from Utah ask that the bill be printed, so that we can know what is in it. He need not withdraw it.

Mr. SMOOT. I promised not to take the time of the Senate if the bill should lead to discussion.

Mr. KIRBY. It will not take any time to have it printed.

Mr. McKELLAR. It is already printed.

Mr. SMOOT. Is it desired that it shall be printed in the RECORD?

Mr. POINDEXTER. I think it ought to be printed in bill form, showing the amendments, and I ask that that be done.

The PRESIDING OFFICER. The bill will go to the calendar, and be printed in the usual form.

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Illinois [Mr. McCORMICK].

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McCormick	Smith, S. C.
Ball	Frelinghuysen	McKellar	Smoot
Bankhead	Gay	McLean	Spencer
Borah	Gerry	McNary	Stanley
Calder	Hale	Moses	Sterling
Capper	Harris	New	Sutherland
Chamberlain	Henderson	Newberry	Thomas
Colt	Hitchcock	Nugent	Trammell
Cummins	Jones, N. Mex.	Overman	Underwood
Curtis	Jones, Wash.	Phipps	Walsh, Mass.
Dial	Kellogg	Poindexter	Walsh, Mont.
Dillingham	Kenyon	Ransdell	Warren
Edge	Keyes	Sheppard	Williams
Elkins	King	Sherman	Wolcott
Fernald	Kirby	Smith, Md.	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. There is a quorum present. The question is upon the amendment proposed by the Senator from Illinois [Mr. McCORMICK].

Mr. CUMMINS. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CUMMINS (when his name was called). Upon this vote I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. If he were present, he would vote "yea," and if I were at liberty to vote I would vote "nay."

Mr. EDGE (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. OWENS]. I transfer that pair to the junior Senator from Ohio [Mr. HARDING] and vote "nay."

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. In his absence I withhold my vote. If permitted to vote I would vote "nay."

Mr. JONES of Washington (when his name was called). I have a general pair with the Senator from Virginia [Mr. SWANSON], who is necessarily absent on account of illness in his family. I am paired with him during his absence, and therefore withhold my vote. If at liberty to vote, I would vote "nay."

Mr. KELLOGG (when his name was called). I am paired with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. CURTIS (when Mr. NELSON'S name was called). The senior Senator from Minnesota [Mr. NELSON] is paired with the Senator from Nebraska [Mr. NORRIS]. If present, the Senator from Nebraska would vote "yea" and the Senator from Minnesota would vote "nay."

Mr. NEWBERRY (when his name was called). I am paired with the senior Senator from Missouri [Mr. REED] and withhold my vote. If permitted to vote, I would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. In his absence from the Chamber I am obliged to withhold my vote.

Mr. THOMAS (when his name was called). In making the same announcement of my pair and its transfer as heretofore, I vote "nay."

Mr. CURTIS (when Mr. TOWNSEND'S name was called). The Senator from Michigan [Mr. TOWNSEND] is detained on account of the illness of his wife. If present, he would vote "yea."

Mr. UNDERWOOD (when his name was called). Making the same announcement in reference to my pair that I did heretofore, I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I am informed by the Senator from Minnesota [Mr. KELLOGG] that if the senior Senator from Pennsylvania were present he would vote as I am about to vote. I therefore feel at liberty to vote. I vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. KENDRICK. I make the same announcement as heretofore of my pair with the Senator from New Mexico [Mr. FALL]. I transfer my pair to the Senator from Texas [Mr. CULBERSON] and vote "nay." I ask that this announcement may stand for the day.

Mr. NEWBERRY. I transfer my pair with the Senator from Missouri [Mr. REED] to the Senator from Pennsylvania [Mr. PENROSE] and vote "nay."

Mr. FERNALD. I transfer my pair with the junior Senator from South Dakota [Mr. JOHNSON] to the Senator from Connecticut [Mr. BRANDEGEE] and vote. I vote "nay."

Mr. CURTIS. I have been requested to announce that the Senator from Massachusetts [Mr. LODGE] is paired with the Senator from Georgia [Mr. SMITH].

Mr. CALDER. I announce the absence of my colleague [Mr. WADSWORTH]. He is paired with the senior Senator from Michigan [Mr. TOWNSEND], and if present would vote "nay."

The result was announced—yeas 31, nays 31, as follows:

YEAS—31.

Ashurst	France	Lenroot	Sheppard
Borah	Gay	McCormick	Sherman
Capper	Gerry	McKellar	Smith, S. C.
Chamberlain	Harris	McNary	Stanley
Colt	Henderson	Moses	Trammell
Curtis	Jones, N. Mex.	New	Walsh, Mass.
Dial	Kenyon	Nugent	Wolcott
Fletcher	Keyes	Overman	

NAYS—31.

Ball	Hale	Myers	Spencer
Bankhead	Hitchcock	Newberry	Sterling
Calder	Kellogg	Phipps	Thomas
Dillingham	Kendrick	Poindexter	Underwood
Edge	King	Pomerene	Walsh, Mont.
Elkins	Kirby	Ransdell	Warren
Fernald	Knox	Smith, Md.	Williams
Frelinghuysen	McLean	Smoot	

NOT VOTING—33.

Beckham	Johnson, Calif.	Page	Smith, Ga.
Brandegee	Johnson, S. Dak.	Penrose	Sutherland
Culberson	Jones, Wash.	Phelan	Swanson
Cummins	La Follette	Pittman	Townsend
Fall	Lodge	Reed	Wadsworth
Gore	McCumber	Robinson	Watson
Gronna	Nelson	Shields	
Harding	Norris	Simmons	
Harrison	Owen	Smith, Ariz.	

So Mr. MCCORMICK's amendment was rejected.

Mr. MCCORMICK. Mr. President, I desire to give notice that I shall offer the amendment in the Senate.

Mr. POMERENE. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from Ohio.

The SECRETARY. On page 71, after line 2, insert the following:

That the term "transportation" as used in the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, shall be deemed to include refrigerator cars of efficient type or types approved by the board for the transportation of fresh meat. It shall be the duty of every carrier by rail subject to the provisions of said act to provide such cars in number sufficient from time to time to accommodate the reasonable need therefor on its lines, and to furnish the same with due promptness upon reasonable request therefor and without unjust discrimination; and such carriers otherwise with respect to said cars shall be governed by the provisions of said act relating to transportation.

No carrier by rail subject to the provisions of said act shall, after the expiration of six months from the date of passage of this act, employ in commerce any refrigerator cars for the transportation of fresh meat, which are not owned or controlled by such carrier, except upon the condition that they may be furnished by the carrier to any person making reasonable request for refrigerator cars in accordance with the provisions of this section, under such arrangements as to just compensation and otherwise as may be made between the carrier and such person owning or controlling the same, with the approval of the board. The agreement embodying such arrangements shall be submitted in writing to the board for approval, and if not disapproved by it within 30 days after such submission, shall be deemed to have been approved by it.

The failure by any such carrier to perform any duty or to comply with any requirement prescribed by this section shall be deemed to be an unjust practice within the meaning of said act of February 4, 1887, as amended, and said carrier shall be subject to all the liabilities, prosecutions, and penalties provided therein for unjust practices by carriers, except that the amount of penalty for knowingly failing or neglecting to obey an order of the board in reference thereto shall be $100 for each offense instead of $5,000 as provided in section 16 of said act; and any distinct violation shall be a separate offense, and in case of a continuing violation each day shall be considered a separate offense.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio [Mr. POMERENE].

Mr. CUMMINS. Mr. President, I have not critically examined the phraseology of this amendment, but its spirit is entirely in harmony with the remainder of the bill and I hope it will be accepted, in order that it may go into conference.

Mr. SMOOT. Mr. President, there was so much confusion in the Chamber when the amendment was read that half of the amendment was read before it was possible to understand its provisions. I do not know what is in the amendment; I do not know how far-reaching it is; and really do not know what it means.

The PRESIDING OFFICER. The Senator from Utah will suspend a moment. The Chair is to blame for permitting the confusion in the Chamber and accepts the responsibility. Will Senators kindly cease audible conversation?

Mr. SMOOT. Now, Mr. President, I should like to have the amendment again read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary again read the amendment proposed by Mr. POMERENE.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Ohio if this amendment provides that the railroad operators shall have the right to take the refrigerator cars of a corporation or an individual and assign such cars anywhere upon their lines, to be shipped anywhere in the United States?

Mr. POMERENE. Mr. President, one of the serious difficulties we have had in transportation relates to the meat-packing industry. Many of those companies have such cars, and often they are not in use; they can be used and they are used on roads belonging to private companies. These cars have been used in such a way as to bring about a discrimination against certain other people. It is the duty of the railway companies to furnish suitable cars for the traffic; and the purpose of this amendment is to authorize the transportation board, so denominated in the bill, to require the companies to supply themselves with the necessary cars.

It is also one of the objects of this legislation that there shall be an equitable distribution of cars, to the end that all shippers may receive an equitable service. To that end it is provided that the cars which they have may be counted in the matter of the allotment. I am not quoting with entire exactness, but that is the purpose. I think the purpose is entirely clear, as set out in the proposed amendment.

Mr. SMOOT. That is, the cars that are owned by private corporations are to be counted in connection with the cars which the transportation company may furnish, and are then to be assigned as the board may decide?

Mr. POMERENE. They are entitled to certain rentals, and so forth, which may be prescribed.

Mr. SMOOT. I see no objection to the amendment if the railroad furnishes the requisite number of refrigerator cars; but supposing the road should say, "We have no cars."

Mr. POMERENE. I think the Senator will find that the amendment gives the transportation board plenary power, so that they can require the company to furnish the cars. Of course, it is conceivable that one large concern might have a number of cars which it was not needing, or that there was not an equitable distribution, and that the supply of cars was being used for monopolistic purposes, and so forth.

Mr. SMOOT. I do not think that the meat packers who are referred to by the Senator from Ohio would in any way object to having the refrigerator cars operated by the railroads and letting the railroad money go into those cars if they could get the cars when they needed them.

Mr. POMERENE. I have not any doubt that they would be served equitably and properly in that matter.

Mr. SMOOT. But, of course, no great packing industry could operate successfully unless it had the cars when it was absolutely necessary to have them in order to move their products.

Mr. POMERENE. The Senator from Utah, perhaps, does not have in mind the special provisions of law which are known as the car-service act, which were amplified in a bill which was passed by the Congress several years ago. The provisions of the so-called car-service act have been broadened in this bill so that the transportation board will have entire control of that subject, and it is going to prevent having a lot of empties in one section of the country when there is a great demand for cars in other sections. The amendment simply carries out the spirit of that act.

Mr. TRAMMELL. Mr. President, I offer an amendment to the amendment by inserting after the words "fresh meat" the words "vegetables and fruits."

The PRESIDING OFFICER. The amendment suggested by the Senator from Florida to the amendment offered by the Senator from Ohio will be stated.

The SECRETARY. In the amendment offered by Mr. POMERENE, on page 1, line 5, after the words "fresh meat," it is proposed to insert the words "vegetables and fruits."

Mr. POMERENE. Mr. President, I offer this as a suggestion: The Senator's amendment adds "vegetables and fruits." Why not add the words "or other perishable articles"?

Mr. TRAMMELL. Does the Senator mean, instead of saying "vegetables and fruits," to say "vegetables and other perishable articles"?

Mr. POMERENE. No; use the words "vegetables and fruits," if that is desired, and add "or other perishable articles."

Mr. TRAMMELL. So that it would read: "Vegetables, fruits, and other perishable articles"?

Mr. POMERENE. That is the suggestion I make.

The PRESIDING OFFICER. Does the Senator from Florida modify his amendment to that effect?

Mr. TRAMMELL. Yes, sir; I offer that as the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment as modified.

Mr. JONES of Washington. Mr. President, I understand the amendment proposed by the Senator from Ohio relates to the distribution of cars and provides for a fair distribution with reference to certain commodities. The Senator from Florida makes the same provision apply to fruits and vegetables.

Mr. POMERENE. Yes; and my amendment goes a little further than suggested by the Senator from Washington. It requires the companies to provide the cars and to provide for the method of distribution.

Mr. JONES of Washington. That is all right.

Mr. SMITH of Maryland. Mr. President, I understand the suggestion of the Senator from Florida includes the words "and other perishable articles."

Mr. TRAMMELL. It does.

Mr. SMITH of Maryland. I am glad that is so, for the reason that fish and similar commodities should also be included.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Let the Secretary state the amendment as modified to the amendment, and then the Senator from Alabama will be recognized.

The SECRETARY. On page 1, line 5, of the amendment offered by Mr. POMERENE, after the words "fresh meat," it is proposed to insert the words "vegetables, fruits, and other perishable products."

Mr. TRAMMELL. Mr. President, I offer that amendment to the amendment. I am very much in sympathy with the object and purpose of the original amendment proposed by the Senator from Ohio. I believed that refrigerator car lines should be controlled and the cars should be furnished by the railroads instead of by independent car companies. I think there is no question that the shippers of produce who require refrigerator cars will get better service and more reasonable rates. Therefore I am most heartily in sympathy with the amendment proposed by the Senator from Ohio, with the amendment offered by myself.

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from Ohio where the refrigerator cars which the railroads are to own and operate are to come from? If the roads that now can not build freight cars and can not live without coming to the Government for large donations are expected to build and operate refrigerator cars, we will never have any refrigerator cars.

I am not going to detain the Senate in discussing this question; but I wish to make the prediction that if this amendment is adopted and it becomes the law of the land, one-half of the towns and much of the territory in this country will not have any refrigerator-car service; it will be impossible for them to have it. I think it is unfortunate to put the country in that situation. I do not mean to defend the present system of refrigerator-car service, but I do mean to say that, if this amendment is adopted and becomes a law, it will be found that at least one-half of the towns and much of the territory in this country will never have any refrigerator-car service.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida to the amendment of the Senator from Ohio.

Mr. SHERMAN. Mr. President, I wish to add an amendment to the amendment offered by the Senator from Florida. After the last word of his amendment I move to insert "exhibitions, shows, theatrical troupes, or private cars."

That is not, as it may appear, for the purpose of diminishing the force of this amendment. Ringling Bros., during their separate exhibitions and shows, at one time—I do not know what their cars may number now—had more than 200 cars of private, special manufacture, that were offered to the common carriers of the country. These have been greatly increased. It gave to those in the show business special advantages over the new exhibition or show that sought—and there are several of them in the United States—to obtain a profitable business. There are certain theatrical troupes that make an entire circuit of the United States, when they begin along the Atlantic coast, that travel in special cars. There are a number of private cars, used by gentlemen of means and leisure, offering themselves for transportation, and it is a considerable burden. Very often regular passenger trains are delayed, waiting at connections or terminal points for the special car of somebody who is late in making that connection. Now, if we are to equalize the service, I believe in equalizing all the service.

Ringling Bros. have lately consolidated with Barnum & Bailey's show. It now, instead of having probably 200 cars, may have 400 cars. It is the largest combination of public entertainment there is in the world. There is no small, single-tent, one-ring circus that can compete with it, or ever get on its feet, unless the lines of the United States offer similar accommodations to every young and struggling exhibition that is attempting to earn a place in the world of entertainment.

I offer this amendment in good faith, Mr. President. It is just as important that the people have entertainment, and that they see strange animals from foreign countries, and exhibitions of acrobatic and muscular skill from all parts of the world, as it is that they have fresh oranges and bananas. We can live without the latter; they are luxuries; but some form of entertainment is a necessity, as much as the daily food, meat, and bread.

Another thing: There is a limitation here, and let me say to those who are supporting this amendment that you will wreck the refrigerator-car business in the United States with the six-months' limit. On the 1st day of July last there were more than 45,000 refrigerator cars in the United States used by the carrier systems of the country. The greater part of those were owned by private concerns. The larger part of them were owned by the so-called "Big Five" packers.

Another thing: The packing houses were forced into the refrigerator-car business. Mr. Hammond or Nelson Morris years ago built the first refrigerator car. Nobody knows who was the original patentee of it, but along about the same time the refrigerator car came into use. Of the seven or eight large trunk lines leading out of Chicago, the fathers of the present owners of the principal packing houses in Chicago went to the traffic managers of the railways with their plans and asked them to build refrigerator cars. This is a matter of local history at that time; it is now national history and the development of the carrier system. There was not a railroad manager or board of directors in all the trunk lines leading out of Chicago in any direction that would build a refrigerator car. They said they had made enough experiments that lost the money of their stockholders, and they declined to invest a dollar in it. It was regarded as a chimerical enterprise. The packers of that pay, for the purpose of widening their market for fresh meats, decided to take the chance. They built the present refrigerator car, or its early type, and out of it came the refrigerator-car system of to-day. There was not a single railway found in New York City whose owners would put up a half million dollars to build the refrigerator cars that were needed at that time. These interests therefore were literally forced, if they took the benefit of the invention and spread the zone of fresh-meat distribution from the slaughterhouse, to build refrigerator cars. They did so. They proved to be a success not only for the transportation of fresh meats, but for the transportation of certain fruits.

There probably is not any one of the so-called tropical fruits, or those raised in warm countries going to northern markets, that to-day is not transported in what is in substance a refrigerator car. These cars are in every instance not like a meat car, because there is very little use that can be made of the empty return space in a refrigerator car for fruit.

The carrying of certain vegetables or fruits taints the car, and ordinarily a fresh-meat car can be devoted to no other purpose, unless it is something in sealed packages or cans, so that the odors can not permeate it. Now, with that condition it is proposed in this amendment within six months to prohibit a common carrier from transporting any form of refrigerator car that it does not itself own. That is an utter impossibility. Under present conditions there are not enough car-manufacturing plants in the United States to build the refrigerator cars necessary for the service. It can not be done unless you confiscate some 35,000 or 40,000 refrigerator cars now in the hands of

private owners and belonging to them, built for their special service, and no more to be confiscated by the Government in peace times, if we ever declare peace, than it is possible to come and take my team of horses off the farm; no more to be taken, unless packers and owners agree to it, than you can take any other species of private property; and instead of promoting the interests of the public, it will stop the shipping of fruits from Florida, because in six months the private refrigerator cars can not be taken, and new ones can not be manufactured. It will stop the transportation of bananas, of oranges, of pineapples, and of all the lines of United Fruit Co. steamers that land at southern ports and send up their cargoes on the Illinois Central to all the great northern and northwestern markets. That requires a fruit car specially constructed and devised for the transportation of fruit in cold weather, and this provision will stop the transportation of all the tropical fruits from Central and South America unless some provision is made more than this six months' period.

The Government can not go out, except in war times, and confiscate property. It has no more right to come into my yard, if I am a packer, and take my refrigerator cars, except under the war powers that do not now exist, than it has to come upon a farm in South Dakota and take the team of horses that I use in the transportation of my produce to the market. That power does not exist, Mr. President; but still, in six months, unless the President or some other authority in this country can take 40,000 or more refrigerator cars away from their owners and devote them to the transportation of these particular kinds of merchandise, it will utterly stop the transportation.

I have no objection, under proper arrangements, to some provision of this kind being made when the transition can be effected without literally killing the fresh-meat trade and the trade in all the southern fruits that are brought into the market.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Tennessee?

Mr. SHERMAN. Yes; I yield.

Mr. McKELLAR. I just want to ask the Senator a question. I agree with the Senator that the Government can not take away these refrigerator cars from the packing houses and others without paying for them. The Senator will recall, however, that so far we have only appropriated in this bill $500,000,000; and that is such an insignificant sum, and the people of the United States are so anxious to have us appropriate larger sums, that I will ask the Senator whether he does not think that a little, simple amendment by which, say, five hundred millions or a thousand millions may be added to the bill, so that we can buy from the packers these refrigerator cars, could be put through?

Mr. SHERMAN. Oh, certainly. A man who never had a million dollars or a hundred thousand dollars can trip it lightly on his tongue. We have been talking of billions here until a mere paltry half billion dollars appears to be a bagatelle that would make a kindergarten smile. Why, certainly. Let me ask my beloved friend, however, how in time of peace you will take away from private property owners their refrigerator cars even if you have a half billion dollars?

Mr. McKELLAR. Mr. President, I agree with the Senator from Illinois entirely; but we have, as it appears to me, been so profligate with the people's money—we just appropriated in this bill last night, by amendment, $500,000,000 for a revolving fund for general purposes—that it seems to me, with a good case such as the Senator has, that it would be a fine time to offer another amendment and have us appropriate another half billion dollars in this bill to buy refrigerator cars that belong to somebody else, because they ought to be paid for—we all recognize that—if we take them.

Mr. SHERMAN. The $500,000,000 revolving fund is no creation of mine. I did not vote for it.

Mr. McKELLAR. Neither did I, Mr. President. The Senator can not "shake his gory locks" at me.

Mr. SHERMAN. It is not a revolving fund; it is a vanishing fund. [Laughter].

Mr. McKELLAR. I accept the Senator's statement about it, and agree with him entirely. It is vanishing, and will be very rapidly vanishing as soon as we appropriate it.

Mr. SHERMAN. Why, certainly. It will go the way of all other revolving funds.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. SHERMAN. Yes, sir.

Mr. THOMAS. Will the Senator please tell the Senate the difference between a revolving fund and a vanishing fund?

Mr. SHERMAN. It is a mere difference in nomenclature. In substance, there is no difference whatever. It is like loans to friends; not one dollar ever sees the original owner. To quote from Shakespeare—

> Neither a borrower nor a lender be:
> For loan oft loses both itself and friend,
> And borrowing dulls the edge of husbandry.

We have been loaning prodigally of the taxpayers' money, if you will permit the hackneyed expression, until we have lost sight of the fact that we may some time reach some limit. This $500,000,000 revolving fund may not revolve with sufficient rapidity to exhaust itself before refrigerator cars could be furnished; but if it goes the way of its predecessors, it will not be seen in time to supply a line of refrigerator cars adequate to the service.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. SHERMAN. I yield.

Mr. POMERENE. I offered this amendment not feeling for a minute that it was going to arouse such intense opposition. The chairman of the committee is very anxious to go on with the consideration of the bill, and if the amendment is going to excite much further discussion I think I will withdraw it.

Mr. SHERMAN. I will say to the Senator from Ohio that I will support an amendment in this body along the lines of the amendment offered under adequate safeguards that will not disturb the fruit trade both within our own limits and the imported fruit coming by the United Fruit Co.'s boats, or disturb the distribution of fresh meats by the proper and gradual acquisition under proper powers of all the refrigerator car lines now in private hands.

Mr. POMERENE. Mr. President, the Senator from Illinois has been talking very interestingly upon this subject. I have some slight knowledge of it but not the detailed knowledge that the Senator from Illinois has. I realized very fully that there is not a sufficient supply of refrigerator cars, at least during a portion of the year, and my thought was that the railroad companies should aim to furnish cars for the accommodation of the public. It is a perfectly legitimate proposition.

Mr. SHERMAN. I quite agree with the Senator.

Mr. POMERENE. I felt that by offering the amendment I was helping out the situation.

Mr. SHERMAN. I think the Senator has not properly appreciated the scope of the amendment applied to actual conditions. I have lived through this for more than 25 years.

Mr. POMERENE. Mr. President, for the time being, if the Senator will permit me, I will withdraw the amendment.

Mr. SHERMAN. I will be very glad to yield the floor.

The PRESIDING OFFICER. There being no objection, the amendment is withdrawn.

Mr. McKELLAR. Mr. President, I object. I think it ought to be voted on. I have letters from Tennessee saying it is very necessary that there should be a provision in this bill providing that the railroads should control refrigerator cars. I think they should. If they have turned this business over to other corporations, I think it should be recovered in their interest. Of course, I was joking entirely when I suggested to the Senator a while ago that we appropriate money for it at this time. I do not think that is necessary. But I do not see any reason why it can not be worked out under the very excellent amendment offered by the Senator from Ohio [Mr. POMERENE], and I do not think he ought to withdraw that amendment after having offered it. I ask for a vote on it. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida [Mr. TRAMMELL] to the amendment of the Senator from Ohio [Mr. POMERENE].

Mr. TRAMMELL. Mr. President, I offered the amendment to the amendment, and expressed myself as in hearty accord with the purpose and object of the amendment offered by the Senator from Ohio [Mr. POMERENE]. At that time I only had an opportunity of gathering, in a very hurried way, the purpose and object of the amendment. But I have read over the amendment carefully, and I am a little apprehensive, Mr. President, that the amendment does not accomplish the object and purpose for which it was introduced. For that reason I hope that the Senator from Tennessee will not object to the withdrawal in order that it may be perfected.

Mr. McKELLAR. I want to have it perfected. I have no objection to the suggestion of the Senator from Florida.

Mr. POMERENE. I stated a moment ago that I would withdraw the amendment now, and the Senator from Illinois [Mr. SHERMAN] so understood me.

The PRESIDING OFFICER. The Chair thinks the Senator from Ohio has that right.

Mr. POMERENE. I think I have that right.

The PRESIDING OFFICER. But inasmuch as an amendment to the amendment was offered, the Chair felt that unanimous consent was required.

Mr. TRAMMELL. I withdraw the amendment to the amendment.

The PRESIDING OFFICER. That being withdrawn, the amendment is withdrawn.

Mr. SMITH of South Carolina. Mr. President, I offered an amendment to section 34, to strike out those paragraphs of section 34 referring the power proposed to be given to the board of transportation to determine wherein new railroads shall be built.

As I stated yesterday, we have given the transportation board the right to supervise the capital invested, the securities that may from time to time be issued on the investment, and to guarantee the public against any of the evil practices that heretofore have been in vogue, and I maintain that the condition of the country is not yet sufficiently standardized, nor is there a sufficient appreciation of the needs of the different communities by the public at large, to warrant us in lodging in a Federal transportation board the destiny of this country as to its enlarged transportation facilities.

I had a conversation with a member of this body from the West, who informed me that this was on a parallel with laws that we have now in reference to the development of the mining interests in the West. He informed me that previous to the passage of those laws great productive mines had been discovered and opened, but since the passage of the laws, which gave a Federal board the right to determine where and when prospectors should enter the field and locate a mine, there had been an absolute arrest of anything like the mineral development of this country.

Mr. CURTIS. Mr. President, I have not heard the Senator's amendment. Is it in reference to building lines in communities where a road may be needed, or where the community may think it is needed?

Mr. SMITH of South Carolina. Yes. I am taking the position, Mr. President, that the people in the communities, especially in the undeveloped sections of our country, are better judges of the necessities for facilities of transportation than a Federal political board, composed, as it is proposed to create this board, of three from one political party and two from another, into whose hands shall be placed the future railroad development of this country.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator yield?

Mr. SMITH of South Carolina. I yield to the Senator from Tennessee.

Mr. McKELLAR. I wanted to ask the Senator, as he is a member of the committee, if the bill does not put it exclusively in the hands of this board; and is it not, in effect at least, a prohibition against any State corporation building a railroad in any State of the Union, whether for interstate commerce or intrastate commerce?

Mr. SMITH of South Carolina. I do not know that the bill refers specifically to it, but I think it is included under the general legislation, that all laws of the States to the contrary notwithstanding, the findings of this board shall be final.

Mr. McKELLAR. Mr. President, in other words, as I understand the Senator, however much it might be desired to build a railroad through, for instance, the northern tier of counties in my State, where there is no railroad, and where one is so greatly desired, a corporation can not be formed in Tennessee for the building of that railroad at all. Although the citizens of those several counties might desire to raise the money and build a railroad they can not do it, and the only way in which it can be done would be to get this board to agree to some other company building a railroad there. Is that correct or not?

Mr. SMITH of South Carolina. The bill provides that before that company can build a road, or the citizens can build a road, they must appear before this board and state the reasons for building the road, the necessity for it; and they must get a permit from this board; and after the board has canvassed it and found that, in its judgment, it is for the general public interest, then it may or may not grant the permit.

Mr. McKELLAR. If there are 35 corporations already organized under the act, is it not an absolute impossibility, under the act, to organize a separate corporation; and must it not necessarily be one of the 35 already organized, because the act confines the organization of railroad companies in this country to 35 giant corporations?

Mr. SMITH of South Carolina. I think the Senator is correct in the inference. The bill provides that after the termination of seven years the country shall be divided into not less then 20 nor more than 35 corporations for the railway transportation business of this country. I do not know whether such a thing as is contemplated in this bill will ever be possible; I have my serious doubts as to whether they can by any process whatever compel the corporations of this country to unite in that number of corporations, or in any that is contrary to the voluntary desires of the parties in interest. But be that as it may, the contemplation of this bill is that the country shall be divided into the maximum and minimum indicated in the bill. Suppose that could be achieved. Then the country would be divided up into not more than 35 nor less than 20 monopolies, so far as the territory contiguous to their consolidations was concerned.

Mr. McKELLAR. And all under the control of this political body of five, three of one party and two of the other party, and of course changeable whenever parties changed in this country. Is not that true?

Mr. CUMMINS. No, Mr. President; the Senator from Tennessee knows that is not in this bill. He knows very well, in the first place, that the bill contains a provision that new construction, not included in one of these systems, can be undertaken, and he knows very well that the board of transportation is appointed for a term of years, not removable at the pleasure of the President or any political administration. It is no more a political board than the Interstate Commerce Commission is a political board. I am quite content, of course, with legitimate criticism, but I have grown rather weary of criticisms for which there is no foundation whatever.

Mr. SMITH of South Carolina. I will state that the board provided for in the bill is similar to the Interstate Commerce Commission and other commissions whose personnel have rotation in their appointments, so that a majority is always on the board. They are to be appointed at specified times, like the Interstate Commerce Commission. But no matter what their tenure of office may be, there are excellent purposes prescribed in this bill which they are to fulfill.

Mr. CUMMINS. Mr. President, I hope the Senator from South Carolina will not think that what I have just said refers to anything that he mentioned as being in the bill.

Mr. SMITH of South Carolina. I understand, Mr. President.

Mr. CUMMINS. The Senator from South Carolina is presenting a perfectly legitimate proposition. There is a difference of opinion as to whether the building of railways should be subject to public control or not, and I am very happy to hear the position of the Senator from South Carolina. I was referring to what I regard as the utterly baseless assertions made with regard to the bill by the Senator from Tennessee [Mr. McKELLAR].

Mr. McKELLAR. Mr. President, will the Senator from South Carolina yield to me just to reply to the Senator from Iowa?

Mr. SMITH of South Carolina. Certainly.

Mr. McKELLAR. I made the statement that this was a political board and I intend to prove it by the Senator's own bill, on page 22, where it says:

> Not more than three members of the board shall be appointed from the same political party.

It makes it a political board. Of course it is a political board and when the parties change it is going to be subject to change. The appointments are made on political lines because the bill provides that they shall be made on political lines. More than that, it prohibits the members of the board from being appointed on any other lines than political lines.

Mr. KELLOGG. Mr. President——

Mr. McKELLAR. It is idle to talk about it not being a political board when the very terms of the bill provide that it shall be that, and it can not be anything else.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. SMITH of South Carolina. I am very glad to yield to the Senator.

Mr. KELLOGG. I should like to ask the Senator from Tennessee if the Interstate Commerce Commission is a political board? It is appointed in the same way.

Mr. McKELLAR. In a sense it is.

Mr. KELLOGG. What kind of a sense?

Mr. McKELLAR. In this sense only——

Mr. KELLOGG. The same sense the Senator has been talking about.

Mr. McKELLAR. Oh, no; it is not at all. It is an entirely different situation with the Interstate Commerce Commission. I do not remember exactly the terms of the Interstate Commerce act, but they are not of this kind.

Mr. KELLOGG. I suggest that the Senator read it before he talks about it.

Mr. McKELLAR. I am talking about the pending bill. I say that this bill, the Senator from Iowa to the contrary not-

withstanding, so provides, and it is absolutely true under the terms of his own bill, and a 5-year-old child that had good sense could see it. I am quoting from the bill—

> Not more than three members of the board shall be appointed from the same political party.

It is a political board.

Mr. SMITH of South Carolina. Mr. President, I do not care to have a discussion as to this particular feature of the bill. What I am intending to impress upon the Senate is whether in their judgment we have arrived at that degree of standardization in our railroad facilities and in the tonnage in the different parts of the country that we can pick and choose as to the very best method of reaching an already produced tonnage and carrying it to the market, or whether we are not still in that stage of development where the railroad proposed to be built will be a developer which for a period of years perhaps will have to help develop the territory. The territory through which it goes will be dependent upon the presence of that modern means of transportation.

I think, as the chairman of the committee has very well said, that it is a question for us to decide now. I do not doubt that the time will come in the history of the country when our development shall have reached that stage where it perhaps will be an imperative necessity to have some official board that will regulate the building of lines of railroads, because the temptation will always be present to try to get that form of investment for the purpose of making the public pay the toll.

But the question before us now is which do we believe will give us that which we all desire—more railroad facilities, a distribution of the means of transportation that will open up country now that is not contributing to the general wealth of the public? There are vast sections in the West, there are sections of the South, whose wealth is waiting on adequate means of transportation.

It does two things. It not only grants a means of transportation for that which is already in a form to be transported, but it becomes the promoter of the things to be transported. I think the history of governmental boards will show that we have not had sufficient development to justify them in controlling the output. I am convinced that the community on the ground, who understand intimately, who realize—not know, for there is a vast difference between a realization and a mere knowledge—who realize the necessities of the community, are the better judges of where the lines of transportation should be located than a mere official board who have nothing but a general knowledge of the general situation.

I hope we will realize that this is but an experiment if we do not make provision in the bill, for, as I understand it, if this is retained in the bill there is no chance of any modification thereof in conference, because, as I understand—I do not just now recall—there is a similar provision in the House bill.

I have discussed the question dispassionately upon the economic view that I take of it that we should allow the communities the right to determine where the roads should be put, where to build their roads, because at this stage, as I said a moment ago, in the provisions of the bill that take care of the investment and provide a Federal board to see that the money is used for the purpose for which the charter or franchise is issued, that there shall be no watered stock, that there shall be no inflation of value beyond the actual value, and restrict the new road to legitimate purposes for which it was incorporated, we have gone just as far in the stage of our development as is justifiable.

I hope that the Senate will strike the provision from the bill. I offer as an amendment to strike out that portion of section 34.

The PRESIDING OFFICER. The Secretary will state the proposed amendment.

The SECRETARY. On page 73, beginning with line 14, strike out all down to and including the word "court," in line 12, on page 75.

Mr. CUMMINS. Upon the proposed amendment I ask for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and Mr. ASHURST responded to his name.

Mr. LENROOT. Mr. President, I have just a word to say. If this scheme or plan of——

Mr. BANKHEAD. Mr. President, I rise to a point of order. The calling of the roll was started, and the first name was called and responded to.

The PRESIDING OFFICER. The point of order is overruled at this time.

Mr. BANKHEAD. Does the Chair overrule the point of order? Is not that a positive rule of the Senate?

The PRESIDING OFFICER. The present occupant of the chair——

Mr. BANKHEAD. The present occupant of the chair voted when his name was called.

The PRESIDING OFFICER. That is true.

Mr. BANKHEAD. It is true. Under the rules the Chair is bound to enforce that rule.

Mr. KING and Mr. LENROOT addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. LENROOT. Mr. President, I desire to know, when a Senator is on his feet asking for recognition, whether the Presiding Officer, who happens to be the first on the roll call, can defeat recognition by answering to his name in that way?

The PRESIDING OFFICER. The Presiding Officer has not sought to do that, but the rule has been invoked——

Mr. KING. Mr. President, may I make an observation?

The PRESIDING OFFICER. Certainly.

Mr. KING. I was looking at the Senator from Wisconsin and know he rose and addressed the Chair before the Secretary started to call the roll.

The PRESIDING OFFICER. Is there objection to the roll call being suspended? There being none the Senator from Wisconsin is recognized.

Mr. LENROOT. Mr. President, if this scheme is sought to be retained in the bill, it is absolutely necessary that the section which is sought to be stricken out shall be retained.

It will be remembered that under this scheme of group rates there must be rates permitted or imposed that will pay 6 per cent return, or 5½ and possibly 6 per cent, upon the entire value of the property within the group. A new railroad in 99 cases out of 100 during the first years of its operation will not pay interest return, and unless the board of transportation is to have the power to say where new roads shall be built or extensions made, and if railroads are to be permitted without that permission to be constructed and the board is compelled in fixing the group rates to allow 6 per cent upon the value of the railroad property within the group, does not every Senator see that every new railroad constructed will increase the rates for every shipper upon every line of railroad within that group?

It is very plain that unless there is this restriction, there will be an increase of rates upon all the railroads within the group. Without this provision, of course, the railroad would take its chances.

Mr. SMITH of South Carolina. May I ask the Senator a question?

Mr. LENROOT. Certainly.

Mr. SMITH of South Carolina. That means, according to the Senator's argument—and I overlooked the point he is making, because I wanted to make some remarks about it myself—that no new railroads will be built after this grouping feature has gone into effect, except they are built where the tonnage on them will relieve the country of any additional taxation for new transportation?

Mr. LENROOT. Either that or in a case where, in the opinion of the transportation board, there will be sufficient business developed in the immediate future to make it a paying proposition.

Mr. SMITH of South Carolina. The Senator has sustained exactly the argument that I was making, that in some undeveloped territory, of which there is still an abundance in the country, there will be no further railroad construction unless the conditions in the community are such as to warrant at least the 5½ per cent.

It was in my mind to say that if this provision were stricken out there could be an amendment to the bill providing for the taking care of the new railroads and not include them in the 5½ per cent rate. I think communities would be willing for a term of years to absorb the overhead charges and the incidental construction expenses incurred in the process of their development. Every railroad built in this country through undeveloped territory has been built not so much with the hope of return in the form of dividends and earnings of the road as from the enhanced value of the property through which the road runs and because of the facilities afforded the people.

Mr. LENROOT. I can not quite agree with the Senator from South Carolina in that statement. I think, as a matter of fact, the great bulk of the railroads have been built in this country for the reason that those who were responsible for their construction and who constructed them were able to make a very large amount of money out of the construction.

Mr. SMITH of South Carolina. If the Senator will allow me, there may have been some such cases; but he knows that the construction of the great transcontinental lines which connect the East and the West, which built up that trackless

prairie wilderness, certainly did not offer any hope of reward, but the construction of those roads did offer the hope of the development of this magnificent continent, and that hope was realized.

Mr. LENROOT. That is true; but the fact remains that under this plan those who receive no benefit from the new construction will be compelled to pay such rates as will, including the value of the new construction, afford at least a 5½ per cent return.

Mr. SMITH of South Carolina. I want to ask the Senator a question. I said a moment ago that I hoped that a provision might be made at least whereby a community desiring to secure railroad facilities might be compelled to sustain a part at least of the rate, sufficient, at all events, to justify their desire for it. However, does not the Senator believe that the development of the resources of this country is a matter of concern to the whole people? Does he not believe that furnishing the undeveloped sections of this country with adequate transportation facilities to bring about such development is certainly a matter of sufficient concern for us to waive the mere fact that the general public may pay some of the expense? They would not pay all of it, for there would certainly be some return from the beginning; but in case there was not, could we not provide in the bill that, where such construction is undertaken and completed, for a period of years freight originating on that line shall pay a certain rate in excess of the rate paid on freight which does not originate on the line and let the community absorb the exeess because of the benefit derived by them? That would seem to me to be a comparatively simple matter.

Mr. LENROOT. Mr. President, that is true in so far as new construction is built which is in no sense competitive with any existing construction; but in a case where the new line is competitive the suggestion which the Senator makes is an impossibility.

Mr. SMITH of South Carolina. But the Senator from Wisconsin seems to overlook the fact that we have no further competition in rates; it is restricted to competition in service; and the Senator wants competition in service. But there is no competition in rates.

Mr. LENROOT. But the Senator from South Carolina just suggested that upon the new line higher rates might be imposed than were imposed on the old competitive line; and that, I say, is an impossibility.

Mr. SMITH of South Carolina. No; I said to the Senator, as he was claiming that we would have to provide for a return of five and a half per cent on the investment value, if we had to provide for that why not put a charge upon the road, increase the rate on the freight where the freight originated, so that road would pay five and a half per cent?

Mr. LENROOT. If it was competitive, and if the rates were higher than upon the old competing road, that road would not carry any freight.

Mr. SMITH of South Carolina. If it was built through an undeveloped country, it would have no competition; and those are the very places where we need railroad construction above all things.

Mr. LENROOT. I said in the beginning that the Senator's theory would be correct if there were no competition upon the newly constructed road.

But, Mr. President, just a word further upon the merits of the proposition of control over railroad construction. In so far as new competitive roads are concerned, it is the wisest economy to have control over such construction, because if there is a line of road that can do the business for an entire territory and another line is put into competition with it, the freight charges for everybody in that region will have been increased because two lines of railroad divide the business that would naturally go to one; and the two, therefore, can not make the same net earnings that one line of road would make. As the Senator from Iowa has said, a very large number of States in the Union have passed laws providing that before a new railroad can be constructed a certificate of necessity must be secured from their State utility boards. That is in the interest of the public.

So far as new construction is concerned, I do not believe, to be frank with the Senator, that we are going to have any great amount of new construction, even though there were no restrictions in this bill, because the day of new construction when the promoters issued a dollar's worth of stock with a dollar's worth of bonds and then sold the bonds for 90 cents has gone by; such a thing is not going to be permitted any more. I believe that we will have to come to this proposition as to new construction of railroads; that the Government itself will have in some way to lend its own credit for the new construction, taking the securities and trusting to the future, after the region has been built up and the traffic developed, to secure its return.

Mr. SMITH of South Carolina. Mr. President, I am quite sure that the majority of the Senators on this floor hope that the day will never come when the necessities of the case, the inordinate greed of men, will force the Government to assume Government ownership to protect the people from themselves.

Mr. LENROOT. I did not suggest Government ownership.

Mr. SMITH of South Carolina. Well, the Senator said the Government would have to provide the means for railroad construction, and whenever the time shall come that the Government of the United States has got to furnish the money to secure these railroads, that day the Government will own the railroads.

Mr. LENROOT. Does the Senator know that $500,000,000 is provided in this bill now for that very purpose?

Mr. SMITH of South Carolina. And the Senator from Wisconsin knows that the Senator from South Carolina voted against that amendment.

Mr. LENROOT. So did the Senator from Wisconsin.

Mr. SMITH of South Carolina. Precisely. Now, Mr. President, we are coming back at last to the question of whether the necessity of which the Senator from Wisconsin spoke a moment ago as to the construction of new lines shall be left to the various communities, to the States, or to the Federal Government. The Senator said there were laws in some States now providing that the public-service commission shall pass upon the necessity of a proposed road. That is all right so far as a sovereign State is concerned which is in intimate relation with its own people. That is one of the relics of the genius of this Government, as expressed in its dual form.

I know that, so far as State rights are concerned and State lines are concerned, under modern conditions they have all gone; so far as any constitutional limitation between the power of the one and the power of the other is concerned, as rapidly as we have been able to do so we have taken them out and centralized them here in Washington. We are doing it every day. In order to cure one evil we are embracing the other evil of a centralized form of government, so that the Senator's State of Wisconsin will be at the will and behest of a majority of the people who may not know the local conditions and have no way of justly controlling and governing the situation. The pride of our country has been the fact that, stretching from the Arctic regions clear to the Tropics, differing geographically, as the products of our forest, field, and mine differ, our own local affairs can be taken care of by the people living in the respective communities; but we have repudiated that doctrine now and come to the point where we run to Washington to find out what is a panacea for a sore foot. We have gone so far as to say that the Federal Government shall take the place of mother and father and determine whether a child of a certain age shall go to school or shall stay at home; we have invaded the sacred precincts of nearly every relation of life merely in order to bring to Washington the centralized and paternalistic tendencies of the age. God knows, if there is to be left any relic of our Government in its splendid dual form, local self-government, spelling democracy, as it does, it is time some of us should now stand in the breach and, if possible, stem the tide that has set to the destruction of our form of government.

This is but one of the symptoms of the disease that is sapping the very foundation of our democracy and making the very thing that the chairman of the committee has labored in the committee room to protect—to protect what? The American people from the American people.

Look where we have arrived with our splendid liberty, with the sovereignty of the individual, with the doctrine preached that each man has the right to pursue life, liberty, and happiness! We are now here solemnly attempting to enact a law by which American business can be saved from organized American workingmen, and we solemnly endeavor to put upon the statute books a law that will make them criminals because of an exaggerated exercise of what they consider to be their sovereign right. We have invaded every precinct of local self-government and placed the desecrating hand of a centralized form of government upon it until we no longer live in the America that our fathers fought for and established. We have been driven from one position to another not by the cold philosophy that laid the foundations of our form of Government, but by political expediency.

The country was so new, so undeveloped, that men busy in making wealth for themselves considered that the Government could run itself. They were not face to face with the crises that are now confronting us. Had we been forced to pass through the crucible that molded the Washingtons and the Jeffersons and the Madisons the evils that now are upon us

would not be here. When men love right, when men love their Government better than they love to warm these leather seats, this country will be safe; but so long as the citadel of our democracy and our form of Government are left in the hands of those who quake at the threat of those who they are afraid will tip the balance and remove them from this arena, the country is not safe. I want to stand here and now in these closing hours, perhaps, before the Christmas holidays, and register my protest against any further encroachment upon the sovereign right of States and communities to control their own affairs.

The Senate must not forget that railroad transportation is net yet owned by the public. Private capital is still furnishing the sinews of war to carry it on. Until it shall have passed from out of the realm of being partial private and partial public, I declare that the local communities are best able to determine what is best for their local conditions, and should be allowed the privilege of furnishing themselves with this indispensable means of transportation, and not relegate it, as we are relegating everything on the face of God's earth, from the fireside to the counting room, to Washington for adjudication, control, and determination.

There is precious little left now. I do not know whether anything is left or not. A man who used to feel safe under the police powers of his State does not know now whether he is under the Federal Government in a particular case or whether he is under his own State. Whenever it shall transpire that the power of the State is dissipated forever and we are centralized in Washington, this country is doomed. The spirit that made this a dual form of Government is not dead. It has faith in us. Though it may not understand what we do, it trusts us; but when it awakens to the fact that we have sold its birthright for a miserable seat in this body it will send men here who will restore the right of local self-government under the terms of our Constitution.

Mr. President, every time anything is mentioned about the development of any part of the country we immediately ask the question, "What will Washington—Congress—say about it?" No more liberty of action; no more local judgment. I think we may pause. I think now is the time for us to accept the simple proposition that I make, yielding to you to the extent of saying: "Have Federal control over the securities and guarantee the people that their money shall not be dissipated in watered stock and overcapitalization and speculation, but leave to the people who are to be benefited or not by the presence or absence of this means of transportation the decision as to whether they shall have it or whether they shall not have it."

It is a little task. It is a lot to grant that you shall have supervision of our securities. If it were not for the fact that in interstate commerce the tariffs must be more or less uniform it would not be justifiable to interfere at all.

Mr. President, I sincerely hope that on this proposed amendment the little modicum left to develop the undeveloped territory of the United States shall not be shackled, hindered, and restricted by having to pay men's expenses to come all the way to Washington, take off their hats, and bow their knees to a board of five to know whether or not a rich and a productive section shall be opened up by this means of transportation; and if the board are so minded they say "yes"; if they are not, they say "no."

Mr. McKELLAR. Mr. President, a few moments ago I was severely taken to task by the chairman of the committee, who walks out of the Chamber as I rise to reply, about some statements I made about this bill. I think the chairman ought to study his own bill before he makes statements of that kind about another Senator who has asked a question about it.

I made the statement, Mr. President, that there was no provision in this bill for new construction; that it was not adequately taken care of; that there was a prohibition against the organization of corporations in any State to build new lines of railroad, however necessary they may be. I want to read from the bill to show that my statement was absolutely accurate.

SEC. 10. Immediately after its organization as aforesaid, the board shall prepare and adopt a plan for the consolidation of the railway properties of the United States into not less than 20 nor more than 35 systems, according to the policy declared in the last preceding section.

It provides that if they are not so organized within seven years they shall be consolidated by the Government, by the transportation board; and here are the provisions for new construction. This is in the original bill. Now, listen to this. This is on page 25 of the reprint:

The said board shall carefully and continuously make inquiry respecting the transportation needs and facilities of the whole country, and of each transportation situation as it may arise, the adequacy and efficiency of such transportation facilities and service, and when and how they should be enlarged or improved.

It shall inquire into the state of the credit of all such common carriers subject to the said act to regulate commerce, as amended, and inform itself of the relation between the operating revenues, the operating income, and the net operating income of such carriers.

It shall inquire as to the new capital which the public interest may require the carriers or any carrier to secure in order that adequate and efficient transportation service and facilities may at all times be provided, and into the conditions under which said new capital may be secured. From time to time it shall certify to the commission its findings in these respects, and the commission shall accept such certificate or certificates as prima facie evidence in any hearing upon the matters to which such certificate or certificates respectively relate.

Is there any provision there for new construction? Does "inquiry" mean a provision for new construction? Remember that the provisions of this bill prohibit any other than 35 corporations, at the most, from being organized. After that prohibition, of course, State corporations can not be organized; and I want to call the attention of the Senate to the conditions in a part of my State where railroad facilities should be furnished in the future. They can not be furnished under this bill, nor, indeed, can they be furnished under the very mild amendment offered by the Senator from Montana and adopted—not in the original bill, but adopted afterwards, on page 19 of the bill. It is impossible for such a situation as I shall speak of now to be taken care of.

There are millions of tons of coal yet in middle Tennessee, near the Kentucky line, all along the Kentucky border in northern Tennessee. There is no railroad line in that part of our State. In order that the Nation may have the advantage of those immense coal beds, it is absolutely necessary that railroad lines shall be built. They can not be built by local enterprise. They can not be built by the States. They can not be built by the counties. They can not be built by private enterprise at all. They can not even get an organization for it under this bill. They may have the money, they may have the coal, they may have the other necessaries, but under this bill they are absolutely prohibited from organizing a corporation; and, as the Senator from Wisconsin well said, it can not be done under this system, because if you organize a new railroad, or if you permit one of the existing organizations to build an addition to its lines, it can not possibly pay for it. It has to be aided in some way.

Now, how is it going to be aided? How is it going to add to its line? This bill contemplates leaving the present lines there. It does not provide for new construction. It does not contemplate new construction, except such incidental construction as may be necessary in connection with those lines. It is an embargo on new construction, and for that reason if for no other the amendment of the Senator from South Carolina [Mr. SMITH] should be adopted. It is not a right thing, it is not a patriotic thing to do, to bottle up and put a fence around the resources of this country, because we all know that without railroad transportation the resources in our mountains can not be brought to the public and put in commerce.

Mr. President, it may be said that under the mild amendment of the Senator from Montana, found on page 19, this might be done. Look at the state of that situation. His amendment is as follows:

Provided, however, That any railroad corporation proposing to undertake any work of new construction—

That is, one of the 35—

may apply to the Interstate Commerce Commission for permission to retain for a period not to exceed 10 years all or any part of its earnings from such new construction in excess of the amount heretofore in this section provided for such disposition as it may care to make of the same; and the said commission may, in its discretion, grant such permission, conditioned, however, upon the completion of the work of construction within a period to be designated by the commission in its order granting such permission.

That will not provide for the situation to which I have referred. It will not provide for the situation that we know exists in at least three-fourths of the States. Talk about railroad construction being stopped in this country! Of course, it has not stopped. It has hardly begun. When we talk about railroad construction being stopped in this country, it is like Mr. Webster, some 70 or 80 years ago, saying that all of that part of our country west of Mississippi was a barren waste, not fit for civilization, and that he would not vote for an appropriation for any purpose to be expended west of the Mississippi River. Why, railroad construction is certainly not stopped, but only fairly begun. We may stop it for a while by a bill like this, but the American people are not going to permit this bill or any other law to stop railroad construction, because it will be repealed. If we are foolish enough to enact this provision into law, a subsequent Congress will unquestionably change the law so that the resources of this country may not be bottled up by lack of new construction.

One other matter, Mr. President: As I said before, not only are State corporations prevented from entering upon new construction, but there can not be any opposition at all. The

Federal Government assumes it all. It is contrary to every policy of government that we have in this country. We will have to come to Washington, with our hats in our hands, asking this political board to grant the right to construct a railway in some part of Nebraska or Montana. You can not get it constructed in any other way. Your people in Nebraska or Montana, which I use by way of illustration, may be the most enterprising people in the world, and yet they can not organize a railroad corporation and build a railroad, because it is prohibited under this bill. I do not believe it is defensible for a moment, and I insist that the amendment of the Senator from South Carolina should be agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina [Mr. SMITH]. The yeas and nays have been ordered.

Mr. UNDERWOOD. Mr. President, on behalf of the senior Senator from Connecticut [Mr. BRANDEGEE], who is unavoidably detained from the Senate this evening, I desire to offer an amendment, and I ask that it may be printed and lie on the table so that it may be called up to-morrow.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HENDERSON. I offer an amendment to the pending bill, which I ask to have printed in the RECORD and lie on the table.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Amendment intended to be proposed by Mr. HENDERSON to the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, viz: On page 77, line 11, strike out all of lines 11 to and including line 17, page 78, and insert the following:

"SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the intermediate rates subject to the provisions of this act; but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the Interstate Commerce Commission such common carrier may in special cases, not due to or arising out of conditions of water competition, actual or potential, direct or indirect, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section: *Provided further*, That no authorization for a change of existing rates under the proviso of this section shall be granted within six months from the approval of this act, nor in any case where application shall have been filed before the commission, in accordance with the provisions of this section, until a determination of such application by the commission; but in exercising the authority conferred upon it in this proviso the commission shall not permit the establishment of any charge to or from the more distant point that is not fairly compensatory for the service performed."

Mr. HARRISON. I offer an amendment to the pending bill, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WATSON. I offer an amendment to the pending railroad bill, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

EXECUTIVE SESSION.

Mr. CUMMINS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. CUMMINS. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 9 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Friday, December 19, 1919, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate December 18 (legislative day of Tuesday, December 16), 1919.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

John Van Schaick, jr., of the District of Columbia, to be a Commissioner of the District of Columbia.

NAVAL OFFICER OF CUSTOMS.

W. Mitchell Diggs, of Baltimore, Md., to be naval officer of customs in customs collection district No. 13, with headquarters at Baltimore, Md. (Reappointment.)

SURVEYOR OF CUSTOMS.

Guy W. Steele, of Baltimore, Md., to be surveyor of customs in customs collection district No. 13, with headquarters at Baltimore, Md. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

Alfred Franklin, of Phoenix, Ariz., to be collector of internal revenue for the district of Arizona. (New office.)

UNITED STATES ATTORNEY.

Edward L. Smith, of Hartford, Conn., to be United States attorney, district of Connecticut, vice John F. Crosby, resigned.

PROMOTIONS IN THE REGULAR ARMY.

QUARTERMASTER CORPS.

Lieut. Col. Frank H. Lawton to be colonel with rank from November 2, 1919.

SIGNAL CORPS.

Maj. Arthur S. Cowan, Signal Corps, to be lieutenant colonel from December 11, 1919.

PROVISIONAL APPOINTMENT IN THE REGULAR ARMY.

CAVALRY ARM.

Second Lieut. Ross Ernest Larson, Infantry, Officers' Reserve Corps, to be second lieutenant with rank from October 26, 1917.

Second Lieut. Ross E. Larson, Cavalry, to be first lieutenant with rank from September 8, 1919.

TEMPORARY PROMOTION IN THE REGULAR ARMY.

CAVALRY ARM.

Second Lieut. Ross E. Larson, Cavalry, vice First Lieut. Martin R. Rice, promoted, to be first lieutenant, with rank from December 28, 1917.

PROMOTIONS IN THE NAVY.

Surg. Allen D. McLean to be a medical inspector in the Navy with the rank of commander from the 8th day of January, 1918.

The following-named surgeons to be medical inspectors in the Navy with the rank of commander from the 1st day of July, 1919:

Robert E. Stoops,
Frederick E. Porter,
William A. Angwin, and
Paul T. Dessez.

Asst. Surg. Ruskin M. Lhamon to be a passed assistant surgeon in the Navy with the rank of lieutenant from the 22d day of April, 1918.

Asst. Dental Surg. John W. Crandall to be a passed assistant dental surgeon in the Navy with the rank of lieutenant from the 4th day of February, 1916.

Asst. Dental Surg. Cornelius H. Mack to be a passed assistant dental surgeon in the Navy with the rank of lieutenant from the 29th day of August, 1916.

Asst. Dental Surg. Edward E. Harris to be a passed assistant dental surgeon in the Navy with the rank of lieutenant from the 5th day of June, 1917.

Asst. Dental Surg. Alexander G. Lyle to be a passed assistant dental surgeon in the Navy with the rank of lieutenant from the 7th day of March, 1918.

Dental Surg. Sidney M. Akerstrom to be an assistant dental surgeon in the Navy with the rank of lieutenant (junior grade) from the 3d day of July, 1917.

Dental Surg. Harold A. Badger to be an assistant dental surgeon in the Navy with the rank of lieutenant (junior grade) from the 16th day of October, 1917.

The following-named assistant civil engineers for temporary service to be assistant civil engineers in the Navy with the rank of lieutenant (junior grade) from the 1st day of July, 1918:

Andrew G. Bissett, and
Herbert S. Bear.

Lieut. (J. G.) Thomas M. Dick to be a lieutenant on the retired list of the Navy from the 6th day of September, 1919.

Lieut. (J. G.) George S. Dale to be a lieutenant on the retired list of the Navy from the 24th day of September, 1919.

Machinist Jesse E. Jones (retired) to be a chief machinist on the retired list of the Navy from the 26th day of August, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 18 (legislative day of Tuesday, December 16), 1919.

CONSULS.

John P. Hurley to be consul of class 7.
Lee R. Blohm to be consul of class 7.

FEDERAL TRADE COMMISSIONER.

Nelson B. Gaskill to be a member of the Federal Trade Commission.

INTERSTATE COMMERCE COMMISSIONER.

Edgar E. Clark to be a member of the Interstate Commerce Commission for the term expiring December 31, 1926.

COLLECTOR OF CUSTOMS.

John Pallace to be collector of customs for customs collection district No. 8, Rochester, N. Y.

UNITED STATES ATTORNEY.

Isaac Blair Evans to be United States attorney, district of Utah.

UNITED STATES COAST GUARD.

Capt. Commandant William Edward Reynolds, United States Coast Guard, to have the temporary rank of commodore in the Navy and brigadier general in the Army.

Capt. Byron L. Reed, to be senior captain.

Denis Francis Xavier Bowen, to be senior captain.

Francis Marion Dunwoody, to be captain in the Navy and colonel in the Army.

John J. Hutson, to be first lieutenant.

Norvin Cliffe Smith, to be second lieutenant.

STEAMBOAT-INSPECTION SERVICE.

Cecil N. Bean, to be supervising inspector, tenth district.

COAST AND GEODETIC SURVEY.

Harrison Rae Bartlett, to be hydrographic and geodetic engineer.

Edward Clinton Bennett, to be junior hydrographic and geodetic engineer.

Elbert Francis Lewis, to be junior hydrographic and geodetic engineer.

Augustus Peter Ratti, to be junior hydrographic and geodetic engineer.

WITHDRAWAL.

Executive nomination withdrawn from the Senate December 18 (legislative day of Tuesday, December 16), 1919.

EMERGENCY PROMOTION IN THE ARMY.

MEDICAL CORPS.

I withdraw the nomination of Maj. Harold Inman Gosline, Medical Corps, United States Army (emergency), to be first lieutenant, Medical Corps, Regular Army, with rank from September 11, 1919, which was submitted to the Senate December 5, 1919.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 18, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Great Jehovah, Father of all souls, infinite in all Thine attributes, impart unto us plenteously of these inestimable gifts, that we may know Thee better, conform our ways to Thy ways, and walk humbly with Thee.

Speak to us, we beseech Thee, through the still, small voice, that we may live our convictions, privately and publicly, and thus hallow Thy name after the similitude of Him who spake as man never spake and lived supremely glorious in Thee. Amen.

The Journal of the proceedings of yesterday was read and approved.

REREFERENCE OF A BILL.

Mr. MONTAGUE. Mr. Speaker, the bill (H. R. 11125) increasing the salary of the United States marshal of the eastern district of Virginia was referred to the Committee on Expenditures in the Department of Justice. Evidently that was an inadvertent reference, and I ask that it may be referred to the Committee on the Judiciary.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill indicated be rereferred to the Committee on the Judiciary. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT—EXPENSES OF THE SECOND INDUSTRIAL CONFERENCE.

The SPEAKER laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of Labor making an estimate of appropriation of $25,000 for the purpose of defraying the salaries and expenses of the second industrial conference called to meet in Washington December 1, 1919. I heartily approve this estimate and urgently request that the appropriation be made at the earliest possible moment.

WOODROW WILSON.

THE WHITE HOUSE, *December, 1919.*

The SPEAKER. Ordered printed and referred to the Committee on Appropriations.

WAR INDUSTRIES BOARD (H. DOC. NO. 533).

The SPEAKER also laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith for the information and consideration of the Congress a report from Bernard M. Baruch, chairman of the United States War Industries Board, of the activities of said board during the war.

WOODROW WILSON.

THE WHITE HOUSE, *December, 1919.*

The SPEAKER. Ordered printed and referred to the Committee on Military Affairs.

RESIGNATION.

The SPEAKER laid before the House the following communication.

The Clerk read as follows:

DECEMBER 17, 1919.

Hon. FREDERICK H. GILLETT,
The Speaker House of Representatives, Washington, D. C.

SIR: I have this day transmitted to the secretary of state of New York my resignation as a Representative in Congress of the United States from the tenth district of New York, to take effect December 31, 1919.

Faithfully yours, REUBEN L. HASKELL,
Tenth District, New York.

PERMISSION TO ADDRESS THE HOUSE.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent for permission to address the House on January 8 next for 20 minutes. The battle field upon which the Battle of New Orleans is located is in my district immediately below where I was born, and I would like to have 20 minutes on January 8, after the reading of the Journal and the disposition of business on the Speaker's desk, in which to address the House on that subject.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that on January 8, the anniversary of the Battle of New Orleans, he be allowed to address the House for 20 minutes on that subject. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a copy of the resolutions adopted at the First National Convention of the American Legion, held at Minneapolis, Minn., November 10, 11, and 12, 1919.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD by printing therein resolutions adopted at the meeting of the American Legion. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, what is the subject of the resolutions?

Mr. JOHNSON of South Dakota. I will say to the gentleman from Ohio they are simply resolutions concerning legislation adopted by the legion.

Mr. GARNER. Mr. Speaker, the trouble about that is this, that the legions in various States are passing resolutions concerning legislation. If the RECORD is going to be used for the purpose of printing resolutions adopted by the various State legions or their subordinate bodies, why the RECORD is going to be encumbered considerably with such resolutions, and therefore some policy of Congress in reference to the matter——

Mr. JOHNSON of South Dakota. I will say to the gentleman I do not believe the RECORD ought to be encumbered by resolutions of the different States, but these are purely resolutions from the national convention, and I know of no——

Mr. GARNER. Oh, I understood this was from Ohio. I understand now these are resolutions of the national convention.

Mr. JOHNSON of South Dakota. These are resolutions adopted by the national convention.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses